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# MODERN AMERICAN ORATORY

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# MODERN AMERICAN ORATORY

*SEVEN REPRESENTATIVE ORATIONS*

EDITED WITH NOTES AND AN ESSAY ON
THE THEORY OF ORATORY

BY

RALPH CURTIS RINGWALT

NEW YORK
HENRY HOLT AND COMPANY
1898

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# PREFACE.

THE purpose of this volume is to present concisely the general principles underlying the theory of oratory, and to illustrate these principles by orations drawn from the work of the most prominent public speakers in the United States in the past thirty years.

In choosing the orations a threefold object has been kept in view. The aim has been to select: (1) such speeches as were interesting, valuable, and notable productions in themselves; (2) those which were typical of the kind of oratory they are intended to represent; and (3) those which were representative of the best work of the men who delivered them. Each oration is printed without any abridgment.

The book is intended to serve as a manual for students of oratory, and to furnish precept and illustrative matter for classes in argumentation and oral discussion.

R. C. R.

COLUMBIA UNIVERSITY, *May* 4, 1898.

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# THE THEORY OF ORATORY.

## I.

### I. WHAT ORATORY IS.

If we turn to those treatises on oratory which are most useful for the student to-day,—the works of Aristotle, Cicero, and Quintilian, among the ancients, Dr. Blair in England, and John Quincy Adams in this country,—we have no little difficulty in finding an appropriate definition with which to begin our study. Aristotle says that oratory (or rhetoric, as the whole science of written and spoken discourse was denominated by the Greeks) is "the faculty of finding all the means of persuasion on any subject." Cicero, who is followed by Dr. Blair, defines it as the "art of persuasion"; while Quintilian and John Quincy Adams agree in calling it the "art of speaking well." No one of these definitions is, however, wholly apposite for our purposes to-day. That of Aristotle, since it has to do with but one branch of the subject, what the rhetoricians called invention, the collection of arguments, may be rejected at once. But the other two, one or the other of which has been adopted by perhaps a majority of writers, call for more comment.

It is, indeed, true that the end of much oratory is persuasion. This is the object of nearly all speeches

delivered in assemblies, in legislatures, or in courts of law, where the purpose of the speaker is to persuade his hearers to perform a certain act, to vote in a certain way, or to render a certain decision. But it is likewise true that there is a very large division of oratory in which no such purpose can be discerned. In such a category should be placed the eulogies spoken after the deaths of great men; the orations commemorating the anniversaries of important events; addresses delivered at the dedication of monuments and buildings; and, finally, the mass of after-dinner speeches. Rarely in any of these instances is the object of the speaker, except most indirectly, that of persuasion; and thus the definition which regards all oratory as the art of persuasion, since it excludes so great a class, is inadequate. For other reasons, the remaining definition is open to quite as much objection. To define oratory as the art of speaking well, is, in the first place, extremely unscientific, for no standards are given upon which judgment may be based. The question at once arises, what are the criteria of good speaking? Furthermore, the definition is bad because it fails to discriminate between such speeches as all would agree to be a part of oratory, and those which, however clear and logical and effective, would with no less certainty be denied such a place. To put the point differently, the definition does not distinguish between oratory which admittedly is such, and public speaking in general. This is a distinction which is fundamental.

We are therefore compelled to seek a definition elsewhere. To this end let it be asked, What is the difference between a speech delivered in an assembly, out-

lining a financial scheme, and one in the same place advocating war, or the annexation of territory; between an argument spoken before a single judge on a question of jurisdiction, and one before a jury in behalf of a man indicted for murder? The answer is, of course, superficially, that in one case the speech is cold and rigid, like a demonstration in mathematics; in the other it is intense, full of vigor and of passion. More accurately, too, is it not that one speech is addressed to reason and to the intellect, while the other, although it may touch these faculties as well, appeals primarily to the emotions? And herein it may be believed, is the distinguishing characteristic of oratory; that which raises it above and divides it from public speaking in general; namely, the appeal to the emotions. No matter how clear, logical, or effective, speaking may be, so long as it appeals to the intellect only, it remains public speaking; when, however, the emotions are touched—love, joy, hate, ambition, revenge—then speaking becomes oratory. Nothing, moreover,—no phrase, paragraph, or speech,—is in itself eloquent; it is eloquent only as it affects the audience to which it is addressed. In the present writer's opinion these are the simplest and most fundamental ideas that can be stated in regard to this subject. And the suggestion is therefore hazarded that oratory may be defined, not inadequately, as that form of public speaking which appeals powerfully to the emotions of the hearer.

In connection with this definition, one or two subsidiary points of some practical value may be noted. The first of these is that the test of oratory, since it depends entirely on the effect produced in the minds of the audience, is a quantity of exceeding variable-

ness and uncertainty. Because of differences in taste, in experience, in environment, what to one mind is eloquent, to another may be vapid, or possibly unintelligible. A speech reviewing a military campaign may be the height of oratory to soldiers who have shared its victories and borne its defeats; to a civilian of another land, disassociated from the facts, the same speech may seem trite and uninteresting. The famous oath of Demosthenes in which he referred to the great victories gained at Marathon, Salamis, Platææ, and Artimisium, was doubtless most moving to a Greek, when it was spoken; but to-day, to the average man, it conveys very little meaning. Instances of the kind might be multiplied well-nigh without limit. The point, however, is probably clear enough: that oratory is largely contingent on the character and condition of the minds of the hearers, and for this reason no absolute standards in regard to it can reasonably be laid down.

Another point of considerable importance, especially with reference to such a volume as the present, is that no oration can be estimated or judged finally from any other aspect than that of a hearer. Oratory (the true object of which is to produce an effect at the time of delivery) is composed of two elements, matter and manner; and for the purposes of ultimate criticism these two are inseparably connected. The much-quoted remark of Charles James Fox, when he was told that a speech read well, "Then it must have been a bad speech," is as far from the truth as the popular estimate which ranks Edmund Burke among the world's great orators. A speech which reads well was not necessarily ineffective when spoken; no more does

the delivery of essays of permanent literary value entitle one to be called a great orator. This fact, obvious enough in itself, is forgotten when attempts are made to classify orators definitely on the basis of their printed works, and when each year at oratorical contests, two sets of judges are appointed, one to estimate the manner of delivery, the other the literary value of the compositions. Ideally, the method of studying oratory is to hear an oration delivered; then, when it appears in print, to examine its woof and texture critically, to observe how the results were produced. Clearly, however, because of the few speeches we hear worthy of such regard, this method of study is rarely possible. But its peculiarly good results will not be wholly denied if the student supplements his reading with the frequent hearing of spoken discourses of all sorts, and if he will remember that any appreciation based on printed words alone is likely to fall somewhat short of the truth.

## II. THE DIVISIONS OF ORATORY.

We have considered what oratory is and how, by its appeal to the emotions, it differs from public speaking in general; we have seen how this appeal depends for its effectiveness largely upon the state of mind of those who compose an audience; and finally we saw from what standpoint—that of the hearer—any oration ought ideally to be judged. We can now advance a step, and turn to the broad divisions into which orations have been classified. Although variously named by different writers, these divisions—a single addition

not coeval with the faculty of speech, it is certainly very old. Sedulous inquirers point to the harangues in the Bible, and to the stormy councils which enliven many pages of Homer as the first examples of deliberative speech. But these examples, whatever their antiquarian interest, have little value for the student. Not much more regard can be paid to the speeches which the early historians, particularly Herodotus, but Thucydides as well, put into the mouths of some of their characters. The real beginning of deliberative oratory had better be placed somewhere in the first years of the fifth century before Christ; the date of Antiphon, who was born in 480, is a convenient starting place. About 150 years after Antiphon was born, Demosthenes, with whom Greek oratory, and possibly the deliberative oratory of all time, reached its acme, died; and thenceforth with the victories of Philip of Macedon and the decay of liberty and virtue, oratory, except intermittently, ceased to be a vital force in Greece. In Rome deliberative oratory also had a splendid record; but, as if following too closely the history as well as the artistic inspiration of Greece, it culminated in a single great name, Cicero, and then fell into less worthy forms. During the Dark Ages there was little chance for any kind of oratory whatsoever. But when the results of the Reformation began to be felt, public speech once more became a necessity. The men who laid the foundations of English political liberty—Eliot, Pym, Cromwell—were also the first English political orators, the first of a line the life of which has not yet expired. In our own country deliberative oratory has had a record of singular power and service. It lighted the fires which burned into the Revo-

lution. The Constitution is its product. And it refined the wisdom that solved the great problems of the first half century of our history. No single influence has been more powerful in shaping our destiny as a nation.

The pre-eminence which has usually been conceded to deliberative oratory may be ascribed chiefly to three causes: the comprehensiveness of its purpose, the subjects with which it deals, and the character of the audiences to which it is addressed. A few words will make these reasons clear. Forensic oratory is concerned primarily with the rights of individuals, rarely with the rights of the many; sermons are likewise directed to individuals, to each member of a congregation, rather than to a congregation as a whole; demonstrative oratory has no especial purpose, except to gratify the senses. But deliberative oratory, on the other hand, has to do with the individual only as one of a larger community. It is concerned not with what has interest and importance for the single person, but with what affects a body of people, a state, or a nation; and thus it is exceptional in the breadth of its purpose. Furthermore, the subjects with which deliberative oratory has to do are more vital than those touched by any other form of public speaking, that of the pulpit alone excepted. These subjects embrace much that pertains directly to the physical and spiritual welfare and happiness of a people; to their larger affairs with other nations; and, not infrequently, to questions of life and liberty. Finally, deliberative oratory has in the past been addressed to audiences, the forums and senates of the ancient world, the parliaments and legislatures of the modern, which, taken as

a whole, have probably combined intelligence and mental acumen with emotional characteristics, as have no other bodies which speakers have faced.

We must, however, hasten to admit that deliberative oratory, particularly of the parliamentary kind, is now on the decline. The great oration has become an unusual episode in our Senate and House of Representatives, and it is fast becoming unusual in the English House of Commons. This decline is scarcely due, as is sometimes said, to a lack of great orators or to the fact that oratory has fallen into disrepute; it is due more probably to the change that has come over the legislative bodies themselves. The time which formerly was occupied by great speakers in giving a masterful presentation of a question is now spent in committee rooms or in committees of the whole, where, in an hour, a dozen men may state their position on a question and their reasons for voting as they do. So large have legislative bodies become, and so many and varied are the subjects brought before them, that all business cannot be considered by a whole house; only that which is of prime importance can have such consideration. The remainder of the work, the sifting process, must take place before smaller bodies, where the opportunity of the orator is very slight. The change is also due to some extent, perhaps, to the kind of subjects that now occupy legislatures. Small details of administration, tariff schedules, currency schemes, do not as a rule afford much chance for emotional speaking; such subjects are better treated in simple, business-like debate; and thus debate is naturally fast taking the place before occupied by deliberative oratory.

Above it has been said that the purpose of deliberative oratory is to persuade an audience to accept or to reject a policy for the future. Now, the object of persuasion is, of course, as common to forensic oratory as it is to deliberative; but, in each of these cases, there is considerable difference in the relation of the speaker to the subject of the persuasion; and in the precise relation of the deliberative orator to his facts and arguments, we find the essential feature of the type of oratory before us. While the forensic orator, for example, simply presents a side of a case, without necessarily acting as sponsor for more than the logic of his argument, the deliberative orator accepts as his own the cause which he advocates; he believes fully in the inherent truth or justice of what he says, and he urges his hearers to adopt his position, as the one which, in his best judgment, is most likely to result to their advantage. He stands as an adviser; his speech is counsel. And, from this attitude, the arguments which he uses and the construction of his speech to a great extent take their form.

Let us look to this more closely, and first to the arguments. In order to determine what arguments will be most effective for him, the deliberative speaker, or any speaker in fact, must make a careful analysis of the audience which he is to address. He must determine, as accurately as possible, what its intelligence is, what are its prejudices, what motives are likely to be uppermost in the minds of those who compose it, and what interest it may have in the question in hand. Then, so far as he can, he must reduce the audience to a single individual, or, at least, to two or three individuals, who shall represent for him its temperament.

To these he will direct his arguments; and the material which is likely to prove most valuable is that which would be successful if used in conversation between man and man, where one acts as adviser, and the other listens to see how far his words may be of weight. The deliberative speech is an exceedingly practical and common-sense effort. The questions which come up before legislative bodies and public meetings are those which embarrass the lives of each one of us nearly every day. They are those of present expediency as opposed to consistent principle, of personal interest as contrasted with public welfare, of friendly obligation against absolute justice. And the method by which the higher and broader aspect is made to triumph over the more sordid is no different in a speech from what it is in an earnest conversation. The same motives must be appealed to, the same interests must be combated, and in very much the same way. This the skillful speaker always realizes.

Precisely the same practical purpose must be held before the speaker in the construction of his speech. Other forms of oratory admit of rhetorical embellishment and ornate composition; deliberative oratory rarely does. It must be straightforward, earnest, and sincere, and whatever tends to make it less so, and to attract attention from the substance of the speech to the manner of the speaker, is an element of weakness. Clearness and directness, rather than elegance, are the ends to be sought for. Specifically how these ends are to be gained is a question which must be left to text-books on rhetoric. Here we can only observe that it is of genuine importance that the deliberative speech center around a single

idea or group of ideas, and that all evidence that is offered should have direct bearing on these points. All unessential, extrinsic matter must be rigorously excluded. The orderly development of the argument is another very necessary element. By such methods as frequent iteration and summary, this development must be clearly indicated. The audience should never be in doubt as to what the speaker's object is, or what purpose each idea that he introduces serves. The worst fate that can befall an oration is not to be heard; the next is to be unintelligible.

In all kinds of oratory the character of the orator plays an important part in the effect his words produce; but particularly is this the case in deliberative oratory. As has been noted, the deliberative speaker is the counselor who stands sponsor for the measures which he advocates. However illogical at times it may be, the majority of people are unwilling to give much heed to the advice of one whose life tends to belie his words. No notorious evildoer is thought a good witness for the results of Spartan virtue; so no political speaker, whose past life is marked by tergiversation and truckling, has much authority when he appeals for unselfish support of a measure in which he is interested. The sincerity of his statements is called into question, and none choose to follow a leader who does not believe his own words. Consistency, therefore, between the utterances and the acts of a speaker, especially the deliberative speaker, is of the utmost importance.

In review, then, we may say that the valuable facts to be remembered about deliberative oratory are its broad field and its exceedingly practical value. For-

ensic and pulpit oratory are restricted to the members of a single profession, and but few out of many are called upon to pronounce a eulogy or to commemorate in speech a great event. But a deliberative speech, whether it be the great oration before a senate or a few remarks on a motion in a public meeting, at some time or other comes as a duty to nearly every man. The precise nature of the deliberative oration, we saw, is that of advice. The orator is the counselor, and upon this fact largely depends the material and the construction of his speech.

## IV. FORENSIC ORATORY.

Although, for reasons that have been set forth, the capital importance of deliberative oratory cannot be questioned, this is neither the oldest, when regarded as a technical art, nor has it been the most highly perfected of the various forms of speaking; both of these distinctions belong to forensic oratory—the oratory of the bar. As Professor Jebb has shown in his *Attic Orators*, public speaking was first taught and practiced scientifically, not as an art for its own sake, nor yet for political purposes; but to assist individuals in maintaining and recovering their rights in courts of law. In the courts, owing to ignorance of forms and procedure, men often found themselves at a loss to secure justice; instruction was then given to help them, and this instruction formed the basis of the art of oratory. The broader interests of the community or nation, which are the themes of deliberative oratory, as well as the desire for artistic perfection, were at first sub-

servient to the very practical end of obtaining and protecting personal rights. The technical superiority thus early acquired was never lost. The majority of the great names in Grecian and Roman eloquence are those of men famous for their forensic, rather than their political or panegyric, efforts; the schools and preceptors who did so much to develop oratorical taste and ability, had greatest regard for the forms of legal tribunals; in the treatises which were written,—those of Cicero and Quintilian, for example,—even in the definition of oratory itself, the forensic oration is undoubtedly the one held in mind. Clearly forensic oratory, in perfection of form and in the amount of attention paid to it, transcended all rivals in the ancient world.

But this relative superiority obviously no longer exists, and we are at once constrained to ask why. The difference, more than to anything else is due to a change in the character of courts of law and their methods of procedure. The ancient court was composed of many more judges than we are now accustomed to; in the Areopagus, the renowned court of Athens, the number of judges has been differently estimated as from fifty to five hundred; and in the tribunal at Rome before which Cicero spoke for Milo, the number was, it is said, at least fifty. With so many judges as this, a court was much like a popular assembly of citizens; the arguments which might be used and the emotions which might be appealed to, by a speaker, were similar to those to which the deliberative orator might have recourse. But in another, and from the standpoint of the orator, still more vital way, the ancient and the modern courts differ; namely, in

the methods of procedure and in the freedom which was permitted in arguing a cause. Instead of being confined within the narrow limits of a fixed form, and restricted to definite, unalterable rules, the forensic orator of Greece and Rome was little bound as to either the method or the material of his speech. The law was extremely simple; Cicero said that it could be mastered in three months; and the judges, who sat on facts as well as law, based their decision largely on equity and a sense of justice. In addition to this the orator was granted a latitude of speech quite incomprehensible to us; a defendant's life, his public services, his moral character, his family affairs, all could be drawn upon with impunity. Matter which to-day would be regarded as extraneous and wholly irrelevant was made the basis of argument. When Cicero spoke in behalf of the citizenship of the poet Archias, not more than one-sixth of his oration was on the legal question; the rest was a splendid laudation of Archias and of letters in general. As one writer has said, Cicero's argument was that "Archias was a Roman citizen, because he was a great Greek poet."

To-day all this is manifestly different; the conditions are just about reversed. The number of judges sitting in any trial is small, rarely more than a dozen; and these men are governed in their rulings entirely by law and precedent; prejudice, the play of the emotions, which gave so much opportunity for the imagination and rhetoric of the ancient orator, are rigorously excluded and frowned upon. Questions are no longer settled by the baring of a bosom or by the exposure of a wound, but by hard facts and inexorable logic. Still more, the pleader is confined

within certain narrow and well-marked limits, and woe to him who, led by ardor in his cause, oversteps them. In the celebrated trial of Captain Baillie, when Erskine animadverted upon a certain Lord as the author of all the iniquity that Baillie had pointed out, he was reprimanded by Lord Mansfield, and told that that person was not before the court; in Cicero's time no heed of such an excursus would have been taken, except, perhaps, to note the success with which the charge was pressed.

The results of the changes which we have noted are evident to every observer; forensic oratory has declined in both quality and quantity until now it is notable for its rarity, so thoroughly does oratory depend on the emotional appeal. Occasionally, to be sure, a cause will arise, such as the income-tax case of some years ago, or the impeachment of President Johnson, or the case which called forth the speech printed in this volume—a cause involving a great moral or political question; and then, for a brief moment, forensic oratory will shine forth with its old luster. But such instances are not frequent. By the change we have unquestionably gained more accurate justice; but we have lost, in the main, a picturesque and inspiring oratory, the type thought by Cicero to be the greatest.

Still, we shall undoubtedly be justified in considering forensic methods in some detail; if not as a part of oratory, at least as an important part of public speaking. For our purposes the subject may be divided into two parts, the argument before judges, and that before juries. According to the modern system of judicature all questions of law are tried before

judges; while, ordinarily, questions of fact are brought before juries. Juries are bodies of men chosen from the people, not wholly unassailable by the arts and charms of the pleader's tongue; judges, as has already been said, are usually few in number, and from long experience are less likely to be moved by other than sound argument. Evidently there must be a considerable difference between the speech to be delivered before a jury and the one which is intended only for a bench.

The speech before the jury naturally gives so much more opportunity for persuasive speaking that this is by many regarded as the chief source of the jury lawyer's success. Such an opinion is not, however, altogether correct. Juries are frequently on the watch for men who would win their verdict by speech rather than by argument; they are, for the most part, composed of hard-headed, matter-of-fact citizens, who, more times than is suspected, know when unsupported hypotheses and assumptions are given to them for facts. So it is not so axiomatic that persuasive speech is all that he requires who would win verdicts. More discriminating analysis will show that absolute lucidity of statement is a quality of almost as great importance. The advocate who can present a case in such a manner that a number of men, only ordinarily perspicacious, see it so clearly that they can see no other side of it, is more likely to have perennial success than one who relies more completely on his ability to unbridle emotions. As is generally known, such was the source of much of the enviable power of Abraham Lincoln as a lawyer. Combined with an extraordinary gift for seeing just what was essential

in a discussion, he had a genius for defining a position so that no one could escape either the chain of his reasoning or the logic of his conclusions. Another quality very necessary before a jury is sincerity; and this carries with it, as a corollary, simplicity of statement. No jury is likely to have respect for a man who, knowing better, makes grammatical errors for the purpose of putting himself, as it were, on a level with them. At the same time, anything a counsel can do to establish community of thought and feeling with the jury is for the better; and in no way can this be accomplished more skillfully than by downright earnestness and sincerity in speech. So, on the contrary, an attempt to befuddle or hoodwink, or to exploit diction, is more than certain to be disastrous. Jurymen generally assume seriously the task of discovering the truth from a body of facts; with one who seems imbued with a like desire they are glad, when they can, to be in accord; but they do not take kindly to any attempt to make their duties more difficult. Aside, then, from persuasive speaking, the value of which can by no means be disregarded, clearness in presentation, and sincerity, are the important characteristics of the speech before the jury.

The speech before judges presents a different factor, and hence a different problem. As has been noted, the function of the trial before judges is to consider questions of law, not ordinarily questions of fact; and, therefore, opportunity for eloquence is reduced to a minimum. In jury trials, especially in those of criminal cases, the circumstances often permit animated and even imaginative discourse; the trial of a point of law rarely does. So far indeed is this kind of

speaking now removed from the realm of oratory that we need not long consider it. The address to the court is usually an exposition of legal principles, supported by citations from cases and precedents. Learning in the law and the faculty of stating precepts in a logical way seem to be the requisites; certainly they are more important than facundity. Clearness in presentation enters also, although, because of the greater intelligence and acumen of the audience, it has scarcely such value as in the speech to the jury. In fairness, too, one point must not be neglected; and this is that when appeals to the emotions are possible, they may be elevated and dignified. By tenure of office, by position in society, and by learning, judges are removed beyond the obvious and less delicate methods of persuasion; but the dignity of justice, the necessity of preserving our institutions, and the sacredness of the rights of the individuals and classes committed to their hands, are themes which, although hackneyed, can, when chance offers, be used with great power and effectiveness. The character of the appeals thus in some way atones for the insufficient opportunity for their use.

The general structure of all forensic speeches, whether they be ancient or modern, or intended for judge or jury, is the same; they consist of three essential parts: (a statement of the facts on which the case rests;) a statement, drawn from these facts, of the points at issue; (and the proof of the issues.) But before any attempt can be made at forensic speaking, there must precede what may technically be called the analysis of the question, the process by which what is really essential in a case is

discovered. All litigation that comes before the lawyer's eye presents a multitude of facts, some of which are relevant, some of which are not; in every case there are, too, certain points which, if proved, will prove the general contention. Now, it is the part of the analysis of the question to determine, first, what these important points are, and, second, what relation the rest of the evidence bears to them. When this analysis, which, after the presentation of evidence, is the most essential part of argumentation, has been made, the structure of the oration is easily solved. After a brief introduction comes the statement of the events leading up to and out of which the contention arises. Although this statement must be made tersely, it must be full enough to give a just comprehension of the question and its bearings; and great care must also be taken that the facts be not distorted, but stated in a fair and unbiased way. Then come the issues, or, as they are sometimes called, the proposition; that is, just what the question resolves itself into. The argument proper follows. Each issue or division is taken up in order and proved or disproved, all the evidence being grouped under one or another of the heads. Finally, the oration ends either with a summary or with a spirited appeal, or with both. Later in this essay the parts of the typical oration are treated in detail; but as the structure of the forensic speech differs, to some extent, from other forms, it was thought best to make here this brief statement.

## V. DEMONSTRATIVE ORATORY.

The term demonstrative, it must be confessed, when applied to oratory conveys but very little meaning. We have noted above that the word is the translation made by the Roman rhetoricians of the Greek epideictic (from ἐπιδείκνυμι, to display) meaning that which shows; the purpose of such orations being to show or set forth themes so as to appeal to the taste or cultivation of a hearer. But even after such an explanation, the pertinency of the term undoubtedly seems forced; and if it were any less generally accepted by writers on oratory, or if a sufficient substitute could be offered, we should not make use of it at all. The word occasional, however, often employed in its stead, is really no better than demonstrative; for, although more intelligible, it gives scarcely any hint as to the purpose of the oratory to which it is applied; demonstrative at least does this. The province of demonstrative oratory was said by the ancients to be the praise or censure of persons or things, or, to put it differently, panegyric or invective. It applied to all such speeches "as having no reference either to deliberation for the future, or adjudication upon the past, were engrossed with the present moment; and were usually adapted more to exhortation than to business; to show rather than to action." The field thus indicated is uncommonly large; the popular lecture, the dedicatory or anniversary address, the commencement oration, the after-dinner speech—all come under the category. The purpose of all these is not to convince, so much as to charm the senses with words that are fit and adequate.

Because it has no direct, practical value, and because it aims ostensibly at nothing higher than to please, demonstrative has usually been regarded as the least important of the four great divisions of oratory. The general justness of this conclusion probably cannot be denied; and yet one may reasonably doubt whether it is true that this form of oratory does serve no purpose beyond the gratification of the senses. As an instance of something pointing to the contrary, the orations which used to be delivered in nearly every city and hamlet on Independence Day might be cited. Can it be said that these orations, reviewing, as they did, the hardships and successes of our forefathers, in inculcating patriotism, and in impressing later generations with the sacredness of the heritage handed down to them, were of no value to the state? Is it not certain that one who had heard such themes dilated upon would inevitably have a higher sense of public duty, a stronger attachment for his country, than before? Or, to turn to another branch of demonstrative oratory, the eulogy. By common consent few things are more helpful than the biography of a good and great man. Such biographies, by bringing out the consistent beauty of high ideas and ideals, make life a sweeter and happier thing. But more than the critical, carefully weighed biography, the eulogy, presenting, as it does in large detail, characteristics lovely to look upon, contributes to this end. In holding up before the masses the importance of public virtue and integrity of conduct, the eulogy not only pays tribute to the dead, it furnishes inspiration for the living. The plea can, however, be placed on a much broader basis than that of mere utility. Oratory, just as litera-

ture, painting, or music, is an art, a means of creative expression; and, because of the instruments which it employs, it has strong claims to be reckoned as the greatest of the creative arts. The art of the actor and the reader is joined with that of the man of letters, the philosopher, and the statesman, in producing the great orator. If, therefore, poetry, music, or painting, aside from the ideas or information which they convey, have justification for existing, oratory certainly has, too. No one will perhaps urge that oratory should be given the place it occupied in Greece, when it was chief among the fine arts, but everyone should regret that we have gone so far to the other extreme. Just why we have done this is a question futile to answer here; here we are concerned only in showing that oratory, as one of the fine arts of expression, in its demonstrative form, where it comes more nearly on common ground with the other arts, is worthy of the attention and cultivation of the best men.

There is, moreover, a reason still beyond this, why this division of oratory should appeal to Americans, and particularly to students of to-day. In Greece and Rome demonstrative oratory was highly perfected and much practiced; in France, too, especially in the seventeenth century, one form, the eulogy, received a great deal of attention; but it is in our own country that the fullest expression of the type is to be found. A further fact, too, to be noted with more than usual care, is that the present epoch, that represented by the selections in this volume, beginning roughly with the War, is before anything else one of demonstrative oratory. In the history of oratory whatever place is ultimately assigned to this period will be given it on account of its

demonstrative speakers. In fact, in the past thirty years almost the entire production of enduring orations in the United States has been of this type. For this reason, in the selections much more space has been given to this than to any other division; and, for the same reason, we shall here be warranted in discussing with some fullness each of the forms which the demonstrative oration has taken: the eulogy, the commemorative oration, the platform oration, and the after-dinner address.

THE EULOGY.—The eulogy, which is probably the oldest form of the oratory of display, was by the ancients regarded as the most important. The subjects of eulogy were not, however, so restricted then as they are now; gods and cities, as well as men, could appropriately be made the themes of praise. In Greek literature of the many examples of the eulogy, the student will possibly recall first the discourse delivered by Pericles over those who fell in the Peloponnesian war, an oration which expresses lofty sentiment in a singularly restrained and temperate manner. In the modern world the French have attracted to themselves more honor in this field than any other nation. Especially in the reign of Louis XIV. a group of men arose, —Bossuet, Massillon, Fléchier, Bourdaloue,—whose names have since been synonymous with what is known as the funeral oration. All of these men were prelates, and their most famous discourses were delivered at the obsequies of important personages of Louis' court. Besides their productions, the custom of the French Academy of having memorial addresses spoken after the deaths of its members has given to France an exceedingly large and brilliant eulogistic

literature. In the United States the eulogy has also been a form of speech much practiced; scarcely any great man, certainly no one identified with public affairs, has died in this century who has not had his deeds commemorated in this way; and in many cases such orations are among the most enduring monuments which these men have had raised to their memory.

With us the field of eulogy has been limited to the praises of men. And there are two ways in which these praises are generally handled. The first method, once much followed, is what may be called the biographical method. A life is treated chronologically. From the early years to the end the eulogist follows with minuteness the career of the subject, reserving only a brief space before the conclusion for observations and reflections. Of such a treatment many illustrations will be found in the works of Edward Everett. That orator's address on Lafayette is, for example, simply a clear and painstaking sketch of the life of the great Frenchman. To-day, however, one finds the method used much less frequently. One reason for its abandonment was probably that, on the death of great men, newspapers and magazines furnish such ample accounts of their lives as to make repetition in a eulogy needless and tiresome. A still more valid reason may be, too, that the reciting of a biographical sketch has little to commend it to a man of ability or genius. By anyone having the proper materials such a sketch can be turned out; no great penetration or skill is required, nor, when the work is completed, does any great interest or value necessarily attach to it.

Usually, therefore, we find a different plan is em-

ployed by most speakers. In place of giving a chronological narrative, but little attention is paid to events merely as such; perhaps no dates at all will be mentioned; instead, an effort is made to single out and set forth clearly what the subject of the eulogy accomplished in his life; what he stood for; what influence he exerted; and what is likely to be his place in history. No especial discernment is needed to see that such a treatment, if well wrought, demands immeasurably more ability than a mere biographical narrative. Much study and analysis is of necessity involved. A few central ideas must first be hit upon; then, from various places and circumstances, evidence must be extracted to demonstrate their truth and pertinency. From many minor events, principles of action must be discovered; discrimination and judgment must be used; human nature must be read; motives unraveled; the relation of the subject to a series of events made certain. But, when all this has been accomplished, the result justifies the amount of labor expended. The life, touched by the genius of the orator, stands out luminously; the salient deeds are brought forward with their value made clear; the character is solved; the tribute due has been paid.

In the treatment of nearly every eulogy one nice question generally arises, of which it may be well to speak: to what extent should the weakness of character and the untoward events of a life have place? The tendency of all men is naturally in the opposite direction; to exaggerate good qualities and to say nothing about bad; and thus the fault with many eulogies—the French tributes of the seventeenth century are excellent examples—is that they are fulsomely in-

discriminating; characters are not put in their proper light, judgments are far from judicious. But that such ought not to be the case need scarcely be said; there is no justification for speaking, if it is necessary to speak lies. Still, one must hasten to admit that the eulogist is not necessarily the biographer; he is not bound to dwell upon the events of a life with undeviating impartiality; to tell of all the vices as well as of all the virtues. He may reasonably choose to speak the praises of a life as he saw it, where the good much outweighed the evil. The eulogy of George William Curtis on Wendell Phillips is as perfect an illustration of the point before us as there is in modern literature. In the later years of Wendell Phillips' life there were many things of which so temperate and conservative a man as Mr. Curtis could not approve; yet he was not prevented from delivering a masterly oration on Phillips, and he found no necessity for saying anything that he could not believe. The orator simply laid stress on those parts of the career for which he had the profoundest reverence. Weighing the gold against the dross, he found the former overwhelmingly predominating, and of this he spoke. The example is one that may well be taken for a model. Fulsome, indiscriminate praise cannot be enduring and cannot be too heartily condemned; but no one, because human nature is not perfect, need fear to speak a sincere tribute.

THE COMMEMORATIVE ORATION.—Although not so embedded in classic traditions as is the eulogy, a literature replete with splendid achievements has been produced by commemorative oratory. In our own country, if one excepts a very few senatorial speeches, by

far the best orations of the century belong to this type. Equally true is it that, in the published works of American orators, we find more commemorative orations of the highest rank than of any other kind.

The purpose of commemorative oratory is plainly to distinguish certain events, either those of the past or those of the present. When the events belong to the past, some anniversary day is usually the time for recalling them; and hence the oration for such an occasion may be designated as an anniversary oration. When the events belong to the present, the laying of a corner stone, the dedication of a building or monument, or some like incident, furnishes the theme; and then the effort may be called a dedicatory oration. In the selections which follow, room was found for but one of these types, the anniversary; but here we shall have something to say of each.

In the anniversary oration, what is most essential is the bringing out clearly of the events to be commemorated and the importance of these events in history. Roughly speaking, three methods, somewhat similar to those noticed under the eulogy, are open. In the first, emphasis is thrown on the events, simply as such; in the second emphasis is thrown on the importance and meaning of the events; and in the last each of these points of view is touched upon. When the first method is followed, the qualifications demanded from the speaker are a rapid style and a sense for the order and proportion of incidents; and about the best thing that can be said of the oration, when it is delivered, is that it is an accurate, entertaining narrative. But this is clearly not the highest expression of oratory. No chance is offered for the

analysis, the breadth of view, and the imagination which stamp a great oration. The bulk of the material presented was probably to be found in a good history or encyclopedia; and all that was required of the speaker was the diligence to hunt it out and put it together. Still, when the incidents themselves are all that is important, as might be the case in a battle upon which nothing especially turned; or when they are exceedingly vivid and picturesque, or little known, this method of treatment may be made not uninteresting or uninstructive.

In the second method, the actual events, either because they are slight or because they are perfectly familiar to the audience, play but a small part; the results of the events, their importance to mankind, these are the chief topics for the orator. That incident in American history which has been the subject of more great orations than any other, the landing of the Pilgrims, is one best treated in this manner. To be sure, in dealing with this theme, some account of the condition of affairs in England, the sojourn in Holland, the voyage across, and the landing, might and often has been introduced; but the greatness of the subject lies not here; it is rather in showing the value of the principles compelling these events, and still more, their consequences. This, obviously, too, demands a much higher order of intelligence and ability than the historical sketch. The orator must be a political philosopher, as well as a rhetorician and historian; he must see things in a large perspective; and in a complexity of conditions he must be able to detect the cause and the effect.

Rarely, however, is it necessary for a speaker to

deal altogether with principles and results; a combination of narrative and reflection is usually both possible and desirable. When this, the combination of the two other methods, is adopted, the first part of the oration is given over to recalling the incidents, possibly in going so far back as to examine the causes giving rise to them; and the last to the lessons to be drawn. Both elements then have place, but neither has undue prominence; and any danger of the oration becoming a philosophical treatise is avoided. The narrative lends spirit, and often much of the interest, to the composition; the reflection gives it weight and abiding value. For the majority of occasions calling for an anniversary address, this plan of procedure will be found most suitable. There are exceptions, as has been noted; but this, we may say, is the normal type.

In many respects the dedicatory address does not differ from the anniversary address. What a speaker would say at the dedication of a monument commemorating a great battle would, with little change, be appropriate at a celebration of the anniversary of the same battle. Here again, it is what happened in the past rather than the present that gives the event its chief significance. There are, however, dedicatory occasions which demand another form of speech from anything an anniversary might call forth; the laying of the corner stone of a building or the opening of an exposition are occasions in point. In such events the orator must look around him, must gather from the moment his inspiration. What is the meaning of the occasion; for what does it stand; are its results likely to be far-reaching in consequence? These are the ques-

tions he must ask. The ability to see the real significance of movements is here of value. Does this mark an advance in our civilization; will it contribute definitely to the good of humanity? So prophecy also enters. With his words the speaker opens vistas into the future; he interprets for his hearers what they do not fully understand. Very few suggestions more specific than this can be laid down for the composition of these addresses. The time and circumstance of each occasion provide the orator with his general line of thought; his own skill and imagination must be his guide for the rest.

Just a word of caution in regard to commemorative orations of both kinds may now be added. Nearly every address of this sort demands that the speaker shall deal with facts—generally, as we have seen, with historical facts. For the sake of antithesis, or the clever turning of a sentence, the temptation is often great to sacrifice absolute truth and accuracy. Again, the broad, unfounded generalization seems to appeal to the taste of many speakers. But the inclination which makes use of either of these expedients for the lack of better is in error. Exaggeration can never be truly sententious; generalities do not necessarily give breadth to a theme. Any stump speaker can make statements novel and astounding, and, until a bit of reflection discovers their speciousness, perhaps effective. The true orator does aim for picturesque, impelling sentences, but for truthful ones; and when he indulges in generalization, it is founded on fact and experience. Both of these errors are present to an unconscionable degree in what is known as college oratory. Speakers mistake the tinsel for the gold;

their productions would be valuable if they meant anything and were founded on fact; but for the most part they are not. No more praiseworthy or reasonable piece of advice can be given to the youthful speaker than to caution him to weigh carefully the exactness of what he says.

THE PLATFORM ORATION.—The term platform oration is little more than an arbitrary head, under which various types of demonstrative oratory that admit of no more accurate classification may be discussed. The popular lecture, the commencement address, the address before literary or scientific bodies, and the like, are the types referred to. Such orations, so far as their subject-matter goes, have very little in common; they are grouped together only because their end or object, which is to provide entertainment, or at best, to offer information in a casual way, is somewhat the same.

In the period before the War, through the lyceum system, then so popular, the platform oration was an exceedingly powerful factor in molding public opinion and in educating rural communities. No city or town of any size was continuously without a lecture course, to which some of the excellent speakers of the time,—Phillips, Curtis, Emerson, Beecher, John B. Gough, or other men only less notable,—did not contribute. With the settling after the War, however, of many burning topics of controversy, and with the inundation of newspaper and magazine literature, the lyceum departed; the intermittent addresses delivered now during the winter months by professional lecturers reflect only a suggestion of its former popularity. Still, though the chief avenue of expression has been

closed, the value and necessity for such speaking remain. In the demands of commencement season, in the custom of Phi Beta Kappa societies of listening to an address each year, in the plan of such institutions as Chautauqua, there exists abundant incentive for study and accomplishment in platform oratory.

In one important respect the platform oration differs from any other of which we have so far spoken; it is usually upon no prescribed topic. The deliberative orator speaks on the motion before the house; the forensic orator on the case on trial; the themes of the eulogist and anniversary orator are also prescribed; but, without much exception, the platform speaker may choose his own subject. At first this may seem to be a matter of no great consequence; but in reality it is, for the selection of the best thing on which to speak is one of the most difficult of problems. In some cases, to be sure, a subject may be suggested and a lecture prepared without any definite idea as to the uses to which it may be put; but more often a speaker is asked to address a certain audience at a stated time, and for this occasion he must prepare.

What subject, then, shall he choose? Life and literature are full of interesting questions, but not all of them, indeed but a very few of them, are appropriate. Why all are not appropriate is because the range of topics to which any audience can listen agreeably at a given time is limited. The first duty of the speaker, therefore, is to find out precisely to whom he is to speak, for, unless he does this, he has no surety that his address will have the slightest relevancy or pertinency. He must ascertain the character, the education, and the discernment of his hearers; and also

under what circumstances they will have been brought together; then he can proceed intelligently. And in the final choice of his topic he will probably be governed more than by anything else by two conditions: first, that his subject shall be one of interest to his audience; and second, that it shall be adapted to the occasion.

Most important of all is it that a subject shall be interesting. Interest, however, is an exceedingly variable quantity; what is interesting at one time is not at another; what is absorbing to one man is not to a second. An educational topic which would entertain a college assembly would fill the office of the manager of a popular lecture course with indignant patrons; what is important in November may be dead by the following March. All this, although universally recognized by speakers, is not universally followed. Audiences are bored by most inappropriate themes; they are told to do things they never had any idea of not doing; and they are given information about which they care absolutely nothing. Indeed, too much emphasis cannot be laid upon this point: that the utmost care should be expended by the speaker in discovering exactly what his audience will be interested in.

It is, however, true that a topic in which an audience has abstractly little interest, may yet prove an excellent one for an address. Such is the case where the speaker is an authority or expert in a special line of work. For instance, the influence of the moon on tides might not be an especially diverting subject to people of unscientific minds; yet just such people might be very eager to hear a talk on this question by one who had spent his whole life and gained great

reputation in studying it. This idea is simply an extension of the familiar aphorism that every man can be entertaining on one subject. So, before browsing beyond, a speaker may well look within to see if he is not master of some field which for him would be more appropriate than any other. All this, too, has especial adaptation for young speakers. In spite of the epithets flung back in its behalf, youth has great disadvantages. A student may be better informed on a public question than a congressman, but the latter will get the invitation to speak; what a man may be expected to know weighs heavily. Recently a young student who had gained considerable reputation as a speaker, was asked, with a number of distinguished men, to respond to a toast of his own selection at a banquet held on the birthday of Abraham Lincoln. Had he chosen to speak of Lincoln's political career, he would have been listened to with courtesy, but, by men who knew from experience the facts which he related from histories, hardly with interest. He chose rather as his subject, "Lincoln as a master of English style," and scored the chief success of the evening. This was the one theme about which he not only knew more than his hearers, but about which they all realized he *could* know more. So, in a broader field, no man ought to have any difficulty in commanding attention when he speaks on a topic in which the world acknowledges his authority.

Another quality that a topic must have is adaptability; that it shall be in itself interesting is not enough; it must be suited to the occasion, and, furthermore, susceptible of just the treatment required. A subject which would be appropriate

in one place might be very ill-fitted for another, although the same audience were assembled; and a subject which would make an excellent magazine article might be wholly impossible for an oration. Following the last thought, we can see how such a question as Realism and Idealism in Literature, although a thoroughly vital one to each person of an audience, would hardly do for a great oration. On the other hand, "The importance of illustrating New England history by a series of romances" furnished the text of one of Rufus Choate's best-known speeches. Both of these are literary topics, but they are very different; one is subtle, the other is open; one deals with fine distinctions and carefully spun hypotheses; the other with facts that can with very little difficulty be made intelligible. The general conclusion to be drawn is that a question to be suitable for an oral address must be capable of being treated along broad, easily comprehended lines; it must not require overdefinition or too nice discrimination, for, if it does, it probably cannot be followed.

The last few observations lead us naturally to a brief statement of the structure of the platform oration. In this kind of a speech the introduction is of considerable importance. It may show why the question has been chosen, why it is of interest, and why a discussion of it at that time is particularly desirable. Then will follow whatever explanation is necessary in regard to the subject and its meaning; that is, the definition of the terms. This definition, however mechanical it may seem, should never be omitted if there can be the slightest doubt in the mind of a single listener as to just how the subject is to be taken;

accurate definition may prevent a part or the whole of an address from being vague or positively misunderstood. The terms having been made clear, the general method of treatment should then be set forth. This may be accomplished by a formal partition, or it may not; but the point of view that the speaker is to adopt may well be stated. A little extra care at the outset to put one's hearers on the right track is always repaid tenfold in the lucidity that results. The discussion proper, that is, the body of the oration, follows these preliminary statements. Here the plan previously announced, or, at least, carefully determined upon by the speaker, must be rigorously carried out. There must be no aimless wandering from point to point, as the thought of the moment may suggest. A few central ideas must underlie the whole speech; and all the incidents and details that are used must bear directly on some one of them. Care should also be taken not to introduce too many ideas or propositions. The ends of speaking are much better served, and the results much greater, if the mind of an audience is not overtaxed.

THE AFTER-DINNER ADDRESS.—That there is a great deal of after-dinner speaking no one can profitably undertake to deny; but that there is much after-dinner oratory is far from certain. The difference between the two is that between a good play and a bad burlesque. As it is commonly practiced, after-dinner speaking is inane, useless, and frequently degrading. The greatest reputation for skill in the art seems to go to the man who can speak without touching his toast for a sober moment, and who, with most perfect incoherence, can join together a string of

stories. The inexplicable part of the custom is, too, that no one enjoys it. The speakers, unless they be thoroughly hardened offenders, lose the pleasure of the dinner in anxiety; while most of the guests are insufferably bored, both in the expectation and in the endurance of the season of nonsense extending far into the next morning. Fortunately, as the reputation for wit is the most dangerous that any speaker can have, few men of real ability are successful in this line. Indeed, if we had nothing more than the typical concoction of the famous after-dinner speaker to consider, there would be no need of a paragraph on this subject here.

There is, however, a kind of after-dinner oratory well worth serious treatment. Such orations (perhaps they had better be termed speeches) are called forth generally at occasions of two sorts—at dinners given in honor of some distinguished foreign or national guest, or at those which celebrate a notable event, either of the past or of the present. Of speeches suitable for occasions of the first kind not much need be said. Elegance and affability of manner, courtesy, and a nicely discriminating taste are more essential to them than ideas. Though the range of topics which may be introduced is wide, the chief purpose is the pleasant felicitation of the stranger. Edward Everett, who did nearly everything in demonstrative oratory as well as other men have done special things, has several addresses of this sort, well worth perusal as models of graceful, cultivated speech.

The other—the anniversary occasion—is both more common (the birthdays of Washington, Lincoln, and Grant, and the 22d of December at once suggest them-

selves), and also requires remarks of more substance and weight. For such occasions the speaker is sometimes permitted to select the sentiment to which he will respond, sometimes the choice is not left to him. But, whichever way the subject comes, in the preparation of his speech certain definite rules can be followed to great advantage. As the address must be very brief, ten minutes being none too short, only one or two ideas are necessary; these, however, must be original and striking. It is not an easy matter to find something fresh in a subject already dredged by hundreds of men bent on the same quest; yet diligent effort can usually discover, if not a new point, at least a new way of looking at an old one. And this should be made the theme of the speech.

Just as much, or even more care, must be spent in the method of statement. The whole effort must be as free and spontaneous as it possibly can be. Of course this does not mean that there should be no premeditation or preparation; the material for an after-dinner speech should be worked over with as much thoroughness as that for any other; but the lucubration must not be evident. The opening sentences should take their form easily from the introductory words of the toastmaster, or else they should contain some sprightly reference to the occasion; the whole introduction, in fact, should be light and airy, and even a tactful anecdote may be made to serve as a sop to the inveterate custom of story-telling. But not much time can thus be spent. As soon as practicable the speaker must come to the purpose of his speech, his point. This he should make clearly and forcibly, with a few carefully chosen illustrations and

bits of evidence; and then he should sit down. Clear, vigorous work, brought to a speedy conclusion, is the *summum bonum.* Yet the speech must be brisk without being hurried; forceful without being aggressive. The speaker must not forget that his purpose is to please rather than to proselytize, and that charm of manner and felicity of phrase are quite as necessary as the compelling idea.

After-dinner speaking has always been popular in this country, and from anything one can see now, is likely to continue to be. Although, as it is commonly meted out, it is intolerably silly, it does, sometimes, offer a chance to say things of the utmost value. The speech printed in this volume is a striking example. So, as long as the opportunities of the orator are so few as they are now, and so long as the people who are compelled to go to dinners do not rise in their might, there seems little sense in anyone's wasting strength in denouncing the custom.

## VI. PULPIT ORATORY.

Of the various forms of oratory which we have to consider, the last is that of the pulpit, the oratory of the Christian Church. Unlike any of the foregoing divisions, pulpit oratory rests on no classic models, and is the subject of no ancient treatises; but its history is studded with great names and it has a literature both brilliant and voluminous. Beginning with Christianity, the pulpit has been the chief means by which the dogma of the Church has been propagated and disseminated throughout the world. Reckoning, too,

simply by the amount of attention paid to it both by speakers and by audiences, this is probably the most important of the forms of public speaking practiced to-day.

The history of pulpit oratory begins with the apostles, the greatest of whom, in this as in other respects, was undoubtedly St. Paul. Then follow the Greek and Roman patristic orators, among them Augustine and Chrysostom, all in all, perhaps, the most gifted body of men that the Church has produced. During the Middle Ages, when all learning was in abeyance except that nurtured by ecclesiastical bodies, the pulpit alone kept alive the oratorical culture of the past. Later, in the same period, stand out the preachers of the Crusades, who, for the mighty torrent which they set in motion, deserve to be accounted among the very highest masters of persuasive eloquence of all times. The Reformation is another great event of history which may safely be ascribed to the influence of the pulpit; Savonarola, Luther, Calvin, Latimer, John Knox, accomplished what they did chiefly through the medium of spoken words. In modern times, the French prelates have been possibly the most famous; although in our own country and in Great Britain the sermon has always been much cultivated, and, as has been said, is perhaps the most popular form of public speech now engaged in.

When we pause to consider of what institution pulpit oratory is the exponent, and its place in that institution, this history does not seem any more remarkable than might be expected. After government itself, no factor in human affairs is so important as the Church, none concerns so many people in

so essential a way; and in the Church more prominent than any other feature is the sermon. The sermon is the chief means for promulgating the faith; the substantial reason why men assemble each Sunday; the nucleus around which all other worship converges. Cause therefore exists why the sermon should have been so diligently studied in the past, and why preaching should have been so effective in history. In no other profession is there so much real incentive to excel in oratory as in the ministry. A man may become a statesman without being an orator, a lawyer without being an advocate; but he cannot well be a successful minister without being a preacher.

There are, furthermore, certain great advantages which the pulpit orator has over other speakers. The themes which he treats are, for the audience he addresses, paramount to any other; they deal not with æsthetic appreciation, or with earthly rights, but with the most momentous questions of human conduct and a future life. The building in which he speaks is especially adapted for the purpose for which it is used. In a material way the acoustics and the seating arrangements are as nearly perfect as they can be made; no inclement weather or ill-lighted auditorium can lessen the effect of the discourse. In a higher sense, the stained windows, the music, the decorations of the chancel add spirituality and reverence to the scene. In addition to this, the preacher knows just when, under what circumstances, and to whom he will make his address. No one can take his time or interrupt him, and nothing can happen to vex or make impatient his congregation. In short, nearly every condition which makes up two of the three essentials of oratory—the

subject and the occasion—the pulpit orator has at his command.

The fact is therefore inexplicable to the student of public speaking why sermons are usually so bad as they are. Few, however, who have taken the trouble to observe with much thoroughness will deny that such is the case; that sermons are in general bad. Sunday after Sunday congregations listen to thoughtless, structureless, carelessly composed discourses which would be tolerated by no other audiences in the universe. Nor is reference here made to the preaching of clergymen in the smaller towns. The truth is that in no other profession does so little discrepancy exist between the ability of the better and the less-known men, as in the ministry, and that one is almost as likely to hear a well-wrought sermon in a small town as in Boston, New York, or Chicago. It is to the ministers who hold the important charges, who preach to the most cultivated people, that the stricture applies with the greatest force. These men standing at the head, the historic successors of Paul and Gregory, of Athanasius and Chrysostom, of Peter and Bernard, in an age when skepticism is so fast multiplying as to provoke the most powerful and impassioned utterance, cause by their weekly homilies hardly a ripple in the great tide of the best human thought.

One answer in explanation of this condition is often made and is not without some pertinency: that a clergyman in endeavoring to prepare each week two sermons, and sometimes more, undertakes what no other speaker would think of attempting. Granting the assistance to be derived from commentaries, from

a familiar subject, and from a fund of old material, this is an almost superhuman task. Very few men indeed—even those with the greatest fecundity of thought—can make ideas worth listening to so rapidly; few, given all their matter, can arrange and digest it in so short a space as one week. What wonder is it then, people say, that the preacher is dull and jejune; how can he be expected, besides attending many meetings and making innumerable calls, to reflect long enough to present something fresh and original each Sunday?

The retort is perfectly well taken; and yet it does not destroy the criticism that sermons are bad when, for the importance of the cause and the dignity of the Church, they ought to be good. Rather, the reply should turn attention to the remedy which lies near at hand. This remedy is undoubtedly in the general recognition of the fact that one good sermon is of more account than three poor ones; and that a minister had much better limit himself to a single effort each month than to deliver half a dozen ill-conceived and badly stated. For the other services, the advice may well be adopted of Dr. Parker of London, who urged that when two meetings were held on Sunday, at one of them the sermon of some great pulpit orator of the past should be read. Not only would the minister thus gain opportunity to make his own work better, but the minds of his congregation would, of necessity, be broadened, refined, and illuminated, by hearing the words of a great man, who otherwise would be quite unknown to them.

Turning now to speak more specifically of the faults in sermons, we may say that, in general, there are three

which stand out more prominently than others: incoherent structure, lack of adaptability to the audiences to which they are addressed, and assertiveness.

The necessity and value of clear, well-defined structure have been brought out above, more than once. It has been insisted that all spoken discourses must be built on a plan; that a few fundamental ideas must underlie every speech, and that all that is said must bear directly on them; that because of the much greater difficulty of comprehending, when it is spoken, what would be easily intelligible in print, the plan, structure, and arrangement of a speech must always be easily discernible to the hearer. So much has been stated and insisted upon before. There is, however, because of the peculiar liability of sermons to err in this way, good reason for once more returning to the topic. A large proportion of the sermons that one hears seem to be built according to the scheme once propounded to the writer by a leading clergyman in one of the largest cities of the country. He said that his rule was to place before himself so many sheets of paper; as many as would fill the allotted time when delivered; and then to write until his paper was exhausted. Wherever the momentary thought or impulse directed such a man, there, without the slightest regard to the relevancy of the idea, his hearers on the following Sunday would be led; and the progress of his composition might be indicated by a series of scratch marks, darting hither and yon over vast areas, without reason or logical connection. The chief objection to such work is that it can make no lasting impression. Each sentence, as it is uttered, is a unified and comprehensible whole; but the total effect is

blurred and indistinct. There are no general divisions in which the ideas may be stored away; no conception of the theme as a whole; and hence no lasting effect. Such is, however, possibly the most common fault of sermons to-day.

The seriousness of the second difficulty, the lack of adaptability of sermons to the audiences to which they are addressed, has also been spoken of before, in noting, under the head of platform oratory, the importance of choosing suitable topics for orations. Instead of analyzing, as he should do in every case, the real needs and the exact attitude of his audience, the pulpit speaker frequently seems to give himself no concern about the applicability of what he says. We find sins denounced which do not remotely tempt a single person in a congregation, while questions which daily vex and perplex life are left untouched; or, as a basis for a sermon, a point of view or a dogma is assumed which by no means all are disposed to admit without question. The result is that words so carelessly directed make little impression; they fly either above or below, but they do not hit the mark; they carry no conviction. The minister is surprised that his congregations go to sleep, or fumble their watches and read hymns. But why should they not? His comment does not touch their troubles and weaknesses, so why should he be attended to? And thus, in a great measure, the purpose of his teaching is lost.

The third fault, not so prominent as the other two, but still well worth mentioning, is the tendency which preachers have to make assertive, unfounded statements. The fact that no one can contradict or confute the pulpit orator is not an unmixed blessing; for

it leads, unless much caution is observed, into carelessness in the treatment of a subject. Constantly most extraordinary asseverations are heard in the pulpit for which no evidence is presented, and which, therefore, produce no belief. To be sure one cannot reasonably demand that such elaborate proof shall be offered to a congregation as is given to a court of law; yet when a man addresses intelligent people, either in or outside a church, he has to remember that affirmations, beyond the special field in which he is an expert, carry no substantial assent. Much better is it, instead of asking an audience to accept unsupported conclusions, to show the reasoning by which those conclusions have been arrived at; and, when thoughts and facts are cited on a point, to indicate the value of the sources. Care of this sort in no way detracts from the dignity or authority of the Gospel; but it places a sermon on the same ground with other scholarly work, and gives it, in the minds of thoughtful persons, much more weight and importance.

Constructively, what the sermon should contain, what the different parts are and their relation to each other, the place of the text and its treatment—all these topics, too vast and technical for discussion here, must be left to special treatises on homiletics. But, before turning to another part of our subject, it may possibly be well to summarize here briefly the admirable rules which Dr. Blair, who treats this division of oratory more suggestively than any other rhetorical writer, lays down in respect to the sermon. The first point that he makes,—that a sermon should have unity,—meaning by this "that there should be one main point to which the whole strain of the sermon should refer,"

has already been dwelt upon very fully. But Dr. Blair's words are well worth adding. He says, "It [the sermon] must not be a bundle of different subjects strung together, but one object must predominate throughout. This rule is founded on what we call experience, that the mind can fully attend only to one capital object at a time. By dividing, you always weaken the impression. Now this unity, without which no sermon can either have much beauty or much force, does not require that there should be no divisions or separate heads in the discourse, or that one single thought only should be, again and again, turned up to the hearers in different lights. It is not to be understood in so narrow a sense; it admits of some variety; it admits of under parts and appendages, provided always that so much union and connection be observed, as to make the whole concur in some one impression upon the mind."

The second point Blair urges is that sermons are always the more striking and useful, the more precise and particular is their subject. General subjects are often chosen by young preachers as the most showy, and the easiest to be handled, but, because they lead almost inevitably into commonplaces, they are not the most serviceable for producing the high effects of preaching. "Attention," the writer declares, "is much more commanded by seizing some particular view of a great subject, some single interesting topic, and directing to that point the whole force of argument and eloquence. To recommend some one grace or virtue, or to inveigh against a particular vice, furnishes a subject not deficient in unity or precision; but if we confine ourselves to that virtue or-

vice as assuming a particular aspect, and consider it as it appears in certain characters, or affects certain situations in life, the subject becomes still more interesting."

The third suggestion is that a preacher should never study to say all that can be said upon a topic; and the fourth, that, above all things, a sermon should be interesting. No error is greater than the attempt to cover in half an hour all the ideas which centuries have associated with a subject. In place of this the most useful and persuasive thoughts that a text suggests should be selected, and to these the discourse should be devoted. Some things may be taken for granted; and some must be touched upon lightly; but if nothing that a subject may suggest is omitted, the treatment is certain to be cursory and extremely superficial.

The point about interest, too, is excellently well taken. "A dry sermon can never be a good one." And the only way that this interest can be secured is by observing the caution already made: that the address be adapted especially to the audience which must listen to it. In this respect Dr. Blair observes that "It will be of much advantage to keep always in view the different ages, characters, and conditions of men, and to accommodate directions and exhortations to these different classes of hearers. Whenever you bring forth what a man feels to touch his own character, or to suit his own circumstances, you are sure of interesting him." He also advises with much astuteness that a preacher should place himself in the situation of a serious hearer. "Let him suppose the subject addressed to

himself: let him consider what views of it would strike him most; what arguments would be most likely to persuade him; what parts of it would dwell most on his mind. Let these be employed as his principal materials; and in these it is most likely that his genius will assert itself with the greatest vigor." All these suggestions are admirably well taken; and, because of the experience of the writer, who was a gifted orator and celebrated preacher as well as a rhetorician, they deserve more than ordinary attention. No pulpit speaker can long afford to neglect them, for they are based on the inherent, elemental principles which underlie all spoken discourse.

## II.

### VII. THE DIVISIONS OF THE ORATION.

Thus far we have been considering the four different forms of oratory which in the past have been most conspicuous. Next we must turn to another phase of the subject, we must examine the oration itself. And the first topic to which we must give some attention is an enumeration of the parts into which an oration may be divided, a question upon which by no means all writers have been agreed. Common tradition has it that the first person to make the analysis of a speech was Corax, the Sicilian rhetorician, who framed four divisions: introduction, narration, proof, and conclusion. Aristotle, a number of years later, reaches practically the same result, although his designation is slightly different; he, also, has four divisions: exordium, exposition, proof, and peroration. The first

important deviation from this plan is made by Cicero, who adds two new divisions, thus making in all six: introduction, narration, proposition, proof, refutation, and conclusion. Quintilian, inasmuch as he puts the proposition under the narration, again alters this; and modern writers have been equally unable to accept implicitly any of the arrangements.

In reality, it must be said, the plan adopted makes very little difference. Aristotle includes everything that is essential in his four parts; and to place the proposition under a separate head, and to distinguish between direct and indirect proof by calling one confirmation and the other confutation, is simply to refine more subtilely, and not to add anything new. A much more pertinent objection is that some of these divisions are not adapted to modern conditions. It is absurd to call the body of the oration the proof when (as in the case of a sermon or a eulogy) it may contain no trace of argument; and to designate any part as the proposition is anachronistic, for now most orations have no proposition. Such terms as these are a relic of the time when a majority of speeches were arguments, when nearly all oratory worth writing about was forensic. But to-day, when pulpit oratory has arisen and demonstrative oratory has so much prominence, such divisions are very misleading.

We should, then, either omit or find some fresh designation for at least two of the divisions of the ancient rhetoricians. The latter is the better course. In place of proof, the body of the oration can be called the discussion; and in place of proposition, the word which fills a similar office for exposition, partition, may be adopted. The other three divisions as named

by Cicero are serviceable and can be retained. We shall then have five parts in the oration: (1) introduction, (2) narration, (3) partition, (4) discussion, (5) conclusion. Not all of these parts will be found in every public address; usually no more than three—the introduction, the discussion, and the conclusion; but the five represent the completest structure, and each therefore will be the subject of some comment in what follows.

### VIII. THE INTRODUCTION.

The introduction, the beginning, is always an extremely important part of any discourse, whether it be spoken or written. We all know how many magazine articles are cast aside after the opening paragraphs have been glanced through, and how many speeches cease to command attention after the first five minutes. At the outset of a discourse, an audience, fresh and eager, gives more unsought attention, and is also in a more critical mood, than at any other time; the jarring phrase or the slightly ungraceful gesture will then be noticed which, in the thrill of the discussion proper, would pass unremarked. Hence, in many cases, if an orator is to win a hearing for his cause at all, it must be at the beginning. Once let an audience conclude that an address is to be dry and unprofitable and relax their interest, and only with the greatest exertion can they be recalled; but let that interest be gained at the start, and the rest is likely to be fair sailing.

Cicero stated very succinctly the purpose of the introduction when he said that it should "prepare the minds of the audience for a favorable recep-

tion of what follows." Analyzing this dictum a little further, we may add that the minds of an audience are generally of one of two complexions; either they are hostile, in which case they must be made tractable, or they are inert and inattentive, and must be interested; and hence the function of the introduction to a discourse is usually either to placate or to interest. The first of these two problems is much the more difficult; to win the favor of a bickering crowd being perhaps the highest evidence of oratorical art. But for the accomplishment of this end, since so much depends on the color and temperament of each body of hearers, no very precise rules can be laid down. Possibly the most common method employed is where the speaker attempts at the outset to establish some bond of sympathy between himself and those before him. On the question in hand, to be sure, some difference of opinion exists, but on many other points the two are united; why not, then, bear with a brief statement of the present topic? Or he may insist that he and his audience are, in reality, not so far apart after all, they happen to look at the question in only a little different perspective; or he may appeal to their fair-mindedness to hear both sides before coming to a definite conclusion; or he may show that their abiding interest lies with him, not with his opponent, whom they momentarily follow. All such methods as these, and many more drawn from the nature of the cause, lie at the command of the speaker, by which he may insinuate himself into favor. Another way, somewhat less easy of accomplishment, is also open: for the orator to conciliate through some reference to himself, his history, or his vocation. The difficulty in such cases lies of

course in handling delicately and inoffensively the subject of one's self; although, when common sentiment, ancestry, training, predilection, or experience, actually exist, no great harm can come from stating the facts modestly and adroitly. As examples of introductions for hostile audiences, none show more insight than those which preface the addresses made by Henry Ward Beecher in England in 1863.

Not often, however, must a speaker nowadays address those positively inimical to him; much more frequently his sole duty is to grapple and overcome that vast inertia which every audience presents. Few assemblies are so intent on a subject that they need no word of stimulus to prod their interest and demonstrate to them why they should pay careful heed to the discussion. This, then, is a second purpose of the introduction—to win attention; and it is also secured from two sources: from some tactful reference to the speaker's knowledge of the subject and his association with it, or from the subject itself; the latter again furnishing a greater variety of themes. Now, a subject may be interesting in itself for three reasons: because of its inherent importance, because of the amount of discussion it has aroused, or because of some event or circumstance with which it is identified. In framing any introduction, all three or only a single one of these ideas may be touched upon, according to the time or place of the oration. An address on civil service reform, for instance, delivered shortly after a new administration had come into power, might get its chief interest from current events; two years later, the inherent importance of the subject might more appropriately form the burden of the introduction.

But whenever possible, it may be said, the immediate occasion, the place, the words of a preceding speaker, probably form the best sort of introduction to an address. The reason for this is that such ideas make the opening, and indeed the whole speech, fresher and more spontaneous—an end much to be sought for. Quintilian gives expression to this thought with singular felicity. He says, "There is much attraction in an exordium which derives its substance from the pleading of our opponent, for this reason, that it does not appear to have been composed at home, but to be produced on the spot, and from the suggestion of the subject; it increases the reputation of the speaker for ability, from the facility which he exhibits, and, from wearing the appearance of a plain address, prompted by what has just been said, gains him the confidence of his audience; insomuch that, though the rest of his speech may be written and carefully studied, the whole of it nevertheless seems almost entirely extemporaneous, as it is evident that its commencement received no preparation at all." Only in a less degree is this true when the idea of the opening paragraphs is taken from the scene, the occasion, or the circumstance, which call forth the effort; when the speaker expresses the thoughts inarticulate in other minds.

As a usual thing the introduction should be so striking and beautiful as to exact the attention of even the most reluctant. Such was the plan of Daniel Webster, whose exordiums are among the choicest gems of his oratory. And yet there is a caution to be uttered against making the opening so grand and impressive that the rest of the speech seems anti-climac-

tic. No higher or loftier note should be sounded than can be sustained in other parts, particularly at the end; and, in addition, nothing should be admitted that is artificial or bombastic. Strength and impressiveness should be sought for; but simple, natural strength, rather than high-flown declamation. Smoothness, ease, and grace must also be cultivated, for nowhere, as has been observed, does halting, nervous ineffectiveness count more to the ill, than when the audience is fresh to notice and to criticise. No mention of the difficulties the speaker has labored under, or his lack of preparation, should ever be admitted: no apology for a poor performance is tolerable. If a speaker takes the floor, his duty is to do the best he can; not to make his effort worse by tedious, obvious remarks in exculpation.

Not every address requires a formal introduction. Particularly is this the case in deliberative oratory, when a speech is delivered in the course of an extended debate. Then, in all probability, all that is needed is a few sentences which shall join the speech to the one that preceded it. The importance of the discussion, its bearing, and like topics have doubtless been touched upon by previous speakers. The same is also true at times in forensic oratory, when the plea of one advocate follows that of a colleague or an opponent. Even in these cases, however, a brief word or two is better indulged in before plunging into the argument proper, since the speech is thus given a certain form, a completeness, which otherwise will be lacking. Beyond such a rule, the length of an introduction can never be determined except for each occasion as it arises. The usual suggestion made by

writers is that the introduction should be short and to the point; but short may mean, in some instances, several pages. The length, as in any work of art, should be in proportion to the structure; it should be long enough to accomplish the wished-for end, and no longer; but whether this is ten or one thousand words, depends entirely upon conditions.

## IX. THE NARRATION.

The narration normally follows the introduction, and states the facts necessary for an intelligent and satisfactory understanding of the question. As, however, an exposition of facts is not required in the treatment of all subjects, the narration is not an essential part of every discourse. Its use is, indeed, chiefly limited to the field of deliberative, pulpit, and forensic oratory; although it is occasionally employed in demonstrative oratory as well.

Although deliberative oratory deals almost entirely with questions of future expediency, so frequently does the settlement of such questions depend on conditions in the past that the narration is usually an important element of orations of this type. Certain facts and conditions of the past must be made known before any adequate discussion in regard to the future can be carried on. If, for example, appropriations are desired for an increase of coast defenses, those appealed to must be told what the present defenses are, when they were built, how much they cost, their condition, whether they are of an approved type. They also must know, approximately, what could be accomplished for the amount of money asked for; what guns

could be purchased, where they could be placed, and how far they would go toward making the seaboard secure. Only after these facts, which properly belong to the narration, have been stated, can the general proposition be argued. The student, recalling how large a proportion such questions form of all that come before a legislative body, will at once recognize the place and importance of the narration in deliberative oratory.

In pulpit oratory the function of the narration is usually to make clear the meaning of the text, or to elucidate in any other way points which the preacher may regard as essential to a complete comprehension of the body of his sermon. Often in pulpit oratory the narration is called the exposition. In dealing with a subject drawn from biblical history, the topography of the country may have to be explained; or the circumstances recalled under which the words of a text were spoken; or, in an exegetical sermon, some account of the interpretations of the most learned scholars given; and these offices will usually be performed in the narration. Still, not in all sermons, any more than in all deliberative speeches, is a formal narration necessary. A preacher may proceed to his divisions or to the first main head of his discourse at once, without explanation or amplification, the meaning of his text being perfectly clear, and the special theme requiring no preliminary exposition.

In forensic oratory, except when a speaker follows a colleague or an opponent who has related the essential facts, the narration always has great importance. The reason for this is manifest enough. Forensic oratory has to do exclusively with contentions arising in the

past; and, as is evident, before any discussion is possible as to the merits of a dispute relating to the past, the events leading up to it must be clearly known. Hence, in the trial of nearly all cases, much time is devoted to the examination of witnesses and the discovery of facts, to which both judge and jury pay close attention. But, because of this, because when the time for making the pleas comes the great mass of material, which in a wholly comprehensive scheme would be included in the narration, is already known, the statement of facts in a legal argument may occupy no more space than in any other speech. Usually all that the advocate will attempt is to revive in the minds of the court what he regards as the salient features of the evidence, taking for granted that the more adventitious elements have been sufficiently well remembered. Occasionally, however, the whole story of the crime or fraud will be recited, an effort being made to present the circumstances truthfully but in such a way as inevitably to throw weight to one side or the other of the contest. When the last expedient is adopted, great skill may be shown in selecting the proper facts to be introduced, and in presenting them in their logical relations; and the fullest opportunity is given for graphic, persuasive statement. The immemorial example in ancient literature of a narration of this kind is in Cicero's oration for Milo, and in modern literature, Webster's argument in the trial of Knapp.

In demonstrative oratory any extended narration is scarcely ever needed; the nature of the subjects which ordinarily engage the demonstrative orator does not demand it. To be sure, it is sometimes said that the

biographical sketch in a eulogy should be treated as part of the narration; but the reasoning upon which such an opinion is based is purely sophistical. The narrative of the life in a biographical eulogy is a distinct part of the discussion; it does not have the function of the narration in an expository discourse, which is to clear the path for what follows. The same is true of the commemorative address, which deals chiefly with incidents; the recounting of the events belongs to the discussion, not to the narration. Although, of course, when incidents are recalled solely for the purpose of rendering intelligible an exposition which follows, they belong to the narration.

From what has now been said the student may have observed on his own account that, apart from its use in forensic speeches, the chief use of the narration is that of definition. When, to illustrate, the speaker makes clear, for the purpose of debate, the present condition of coast defenses, he is doing no more than defining that term of the proposition; when he describes the improvements desired, he defines the word "increased"; and nearly always in deliberative, pulpit, and demonstrative oratory does this rule hold, that the definition of the terms in a broad sense will include about all the narration necessary. Certain it is that the best guide to follow in determining what a narration should contain is to take up separately each term of the proposition or subject, and to ask whether anything about it requires explanation. Does the audience understand not only the usual interpretation, but the one to be maintained in this precise discourse? If not, then the special meaning should be expounded. It has been before remarked that an audience should

never be left in the slightest doubt as to just what a speaker wishes to convey; and the place where this explanation can generally best be made is in the narration.

The last rule, however, is not always to be accepted; sometimes the narration does not follow the introduction; instead of being thus introduced it is scattered throughout the discourse. Instances where this method is adopted are found in speeches of all kinds. In a sermon, for example, the speaker may consider separately the several phrases of his text, explaining and commenting on each fully before passing to the next. Here, then, the narration will be made in three or four different places. The same may occur in deliberative oratory when it is proposed to change an existing institution for a new one; the present institution may be fully brought out and enlarged upon before anything is said about the scheme which is to supersede it. That is, one half of the narration, the exposition of the existing system, would be placed after the introduction; one half, the exposition of the proposed system, would be placed in the middle of the discussion. There is, furthermore, in questions of the kind just spoken of, still another reason why the narration might be placed elsewhere than at the beginning. In such questions certain facts are likely to be equally essential both as narration and as argument. The definition of an existing system might also include a statement of asserted evils, because of which a change is to be made; such a statement being justified in the narration as an exposition of present conditions. But these same facts might likewise be a very important part of the argument in favor of the scheme proposed.

Hence the question may arise where such facts can best be placed; should they be put after the introduction, or passed by until the discussion proper has been reached? The answer to this, as to other similar questions, can never be made absolutely. There are undoubtedly a great many cases in which at least part of the narration had better be reserved until the time to make use of it in the discussion arrives; but more often, we may say, the beginning of the address is the place for it. Here, to be sure, it may stand out with unfortunate prominence, and unless dexterously handled, make the work a bit mechanical; but then the likelihood that any part of the speech will not be comprehended is as far as possible avoided.

The three rhetorical qualities which have always been regarded as essential in a narration are clearness, conciseness, and truthfulness. The facts must be placed before an audience with absolute lucidity; their relation and bearing on the general question made perfectly evident. So far, too, as is consistent with clearness, conciseness must be aimed for. The speaker must not forget that the narration is really a preliminary part and must not occupy the minds of his audience longer than is necessary. Time spent here, in so far as additional attention is demanded, may militate against the success of what follows. Technically less evident, perhaps, at first glance, but equally important, is the last stipulation of truthfulness and probability. In the narration the speaker is stating facts which all must agree to. While exaggeration and over-insistence may be permitted in the professedly biased argument, in the narration these qualities have no place at all. Not only, too, should the facts

be accurate, but they should be incontrovertible; for to provoke discussion on questions of definition is to drive the argument entirely out of its proper channel. Indeed, one of the most skillful of all methods of argumentation is to state the circumstances so impartially that they will be as acceptable for one side as for the other. The value of such a method is in conciliation. Nothing will more quickly win a judge from the attitude of opposition in which he instinctively places himself when a speaker, avowedly an advocate, begins, than an eminently fair and unbiased exposition.

In not a great many instances does the narration furnish much chance for play upon the emotions; conciseness and clearness, as has been remarked, rather than elegance or beauty are the important ends. The exception to this is where the facts on which an argument is based are, in themselves, exceedingly dramatic and vivid, and where their recital in a dramatic way will clearly add force to the whole presentation. Then the imagination may be let loose and all the arts of splendid rhetoric called into play. But such instances, outside the field of forensic oratory, are not many; generally the narration is a subdued though incisive part of the oration, vigorous perhaps, but not necessarily impassioned.

### X. THE PARTITION.

The partition, the purpose of which is to indicate the method of treatment to be adopted in a discourse, is another division not to be found in all orations. In classic oratory, and, in spite of the criticisms heaped upon it by so influential a writer as the Archbishop of

Cambray, in much modern oratory a partition of some sort is usually to be noted. But in the last half century, owing no doubt to the wholesome trend toward simplicity and inartificiality in all writing and speaking, its use has been much less general; and to-day it is rarely to be observed even in the work of the most careful speakers.

The advantages and disadvantages of a partition, and the characteristics of a good one, are the important things to be spoken of here; although, before doing so, it may be well to show a little more clearly just what a partition is, first in narrative and expository addresses, and second in arguments; for the purpose is scarcely the same in each.

In expository discourses,—that is, in demonstrative and in the burden of pulpit oratory,—the partition is an enumeration of the various points a speaker wishes to treat of. It is introduced after the preliminary explanations have been made and just before the discussion proper begins. The points are most frequently stated clearly and intelligibly in a single paragraph, as is the case in the following example taken from the oration on the Law of Human Progress by Charles Sumner (who, as is rather interesting to note, is the last important orator to use a partition with any regularity). After a few preliminary pages Sumner says:

"The subject is vast as it is interesting and important. It might well occupy a volume, rather than a brief discourse. In unfolding it, I shall speak *first* of the History of the Law, as seen in its origin, gradual development, and recognition,—and *next* of its character, conditions, and limitations, with the duties it enjoins and the encouragement it affords."

This is a partition of two heads, indicating the general direction which the discourse will take, and of some minor points which show how the chief divisions will be handled. Except, however, as they remove in a certain way the baldness which would arise from a plain statement of the two main heads, the subheads, since they are likely soon to be forgotten, have no great value and could be omitted without disturbing the structure of the oration. What is more important to note about this kind of partition is that it indicates a perfectly arbitrary method of treatment. The orator, had he chosen, might have touched the subject from half a dozen other, and different, points of view. For reasons known only to himself he selected the one phrased in this excerpt, and to this he directed the attention of his hearers.

In forensic speeches this is not the case. The partition no longer shows how the speaker, controlled only by taste, and certain exigencies of the occasion, will take up his topic; it is the statement of the necessary and inevitable points which, if proved, will prove the question. The difference is very great. In an expository address the speaker has a wide latitude of treatment permitted him; his divisions may not be at all exhaustive, that is, without impairing the weight or agreeableness of his discourse, he may cover no more than a corner of his subject; and his audience will, in all probability, pay very slight attention either to the exactness or scientificness of his method, so long as it is not absolutely bad. But not so in argument. In an argument a speaker is confined within very rigid lines; his divisions must completely and conclusively cover his question; and,

unless his audience and his opponent accept his partition as the proper and logical one, he need go no further, for what he says will be fruitless. In the one case the division is taken arbitrarily and somewhat casually, in the other logically and inevitably; this is the difference between the partition of an exposition and the partition of an argument.

Now, just how in the last instance, in the argument, the speaker shall proceed to get the divisions, or, as they may more technically be called, the issues of his question, is worthy of a word of explanation. Under the head of forensic oratory the statement was made that the first step in preparing any argument is to make an analysis of the question in order to discover the chief, the essential, points in it. By such an analysis, the speaker will find that both the affirmative and negative sides will agree upon certain facts, which may at once be excluded from any consideration; and he will also learn that there are certain other facts which, though usually associated with the question, have no real bearing upon it, and which may also be excluded by simply showing that they are extraneous. The result is that by this process the question can be narrowed down to two or three or perhaps more issues which will form the divisions of the oration, and about which all the discussion will center. Both sides admitting these issues, according to the way they are proved, the verdict will go.

The following passage, taken from a speech of Wendell Phillips, in favor of the abolition of capital punishment, is an excellent illustration of the method of finding the issues by exclusion and argument, and incidentally of the difference between partition in

argumentation and partition in exposition. The speaker says:

"In the first place, Mr. Chairman, what is the object of all punishment, in a civil community? Of course, it is not to revenge any act committed. The idea of revenge is to be separated from the idea of punishment, when we speak of capital punishment, or any other punishment, in civil society. Neither can it be said that punishment is the penalty of sin, properly speaking; that is, sin in the eye of God, where an individual—a conscious, responsible individual—commits a wrong act with a wrong motive. Society has nothing to do with *motive;* society punishes *acts.* Strictly speaking, therefore, the word punishment ought never to be used in this connection. Punishment belongs only to that Being who can fathom the heart and find out motives.

"Now, there are two objects that society has in inflicting *penalties*—that is the proper word, not 'punishment.' According to Lord Brougham, in his letter to Lord Lyndhurst on this very topic, these objects are—first, to prevent the individual offender from ever repeating his offense; and second, to deter others from imitating his offense. The primary object of all government is protection,—protection to persons and property. That protection is to be gained in two ways,—by taking the individual murderer, or the individual thief, and by putting him to death, or shutting him up, to prevent his recommitting his offense; and by so arranging the penalty on that man as to deter others from imitating his example.

"Well, we come to the penalty of the gallows,—the taking away of life. In the first place,—to look at it

abstractly,—is it necessary in order to restrain the murderer, or to deter others from imitating him? It manifestly is not necessary to restrain the murderer; because society is now so settled in its arrangements, so perfectly stereotyped in its shape and form, that you can put a man between four walls and keep him there his whole life. No man will pretend before this committee that that part of the object of penalty which would prevent the man from repeating his offense obliges you to take his life. You can shut him up just as securely in a prison as in a grave. It is not necessary, then, to restrain the criminal; nobody pretends it.

"Is it necessary for the simple purpose of deterring others from like offenses? Will the taking of the man's life deter others from following in his steps? That is the only question that remains."

Here the reader will have observed how the partition, instead of being taken arbitrarily, is, throughout, a piece of logical exclusion. First the speaker shows that two ideas, those of revenge and punishment, sometimes associated with the topic, are really extraneous, and should have no place. On the contrary, the only two objects for which penalties are given are, to prevent the individual offender from repeating his offense, and to deter others; and, furthermore, there are only two ways by which these ends can be accomplished—by death and by imprisonment. Taking up the first, it is evident that death is not necessary to prevent repetition by the present offender; the question is, therefore, is it necessary to deter others? The flaw in reasoning here will probably be observed by even the inexpert dialectician; and no one would be likely

to affirm that enough evidence is introduced in support of the different propositions. Nevertheless the example is a thoroughly good one for the present purpose. It illustrates the care which must be taken with the partition in argumentation as opposed to exposition. In exposition the speaker might have said that he proposed to treat the subject from the point of view of the influence of the death penalty in preventing others from committing crimes; and all the evidence brought out in the present speech might have been used. But the question would not have been proved. The audience would not have seen that by proving this one point, the entire contention of the affirmative was substantiated. This is why the logical partition is necessary in argument. One must show that the points that one discusses are the points, and the only points, on which the question turns. In other words one must frequently prove what one is to prove.

Thus far we have considered the partition as entering into and forming a distinct and essential part of every spoken discourse. Such, however, as has already been hinted, is not always the case. Although no discourse ever ought to be composed or spoken without a rigid and definite partition existing in the speaker's mind, there are many reasons, some of them of a good deal of weight, why the divisions should not be formally stated and made known to the audience. In the first place, there are certain occasions when the speaker wishes wholly to conceal the object of his discourse, and when to make a partition would be absolutely fatal; the funeral oration of Antony in *Julius Cæsar* is the classic example of this. It is, furthermore, true that a partition tends to make an address

stiff and awkward, to take away the appearance of spontaneity, and in some degree to qualify and mitigate the effect of appeals to the passions. A speech may be made too cut and dried; the audience, knowing all that is coming, and having no goad of expectancy to keep their interest aroused, may wait for one division to be completed and another entered upon as the weary traveler watches for the milestones in a tedious journey. All this is unquestionably true; and in these days when the chief characteristic of speaking both as regards matter and manner is sincerity and naturalness, the tendency is more and more to omit partitions.

And yet, there is much, rather more in fact, to be said on the opposite side. Both Cicero and Quintilian, and most rhetorical writers, have strongly urged the value of the statement of the divisions as an immense assistance not only to the listener but to the speaker. When the speaker would, as it were, wander, on the one hand, into flowery fields, or, on the other, into arid sands of extraneous excursions, the divisions are likely to keep him in the proper path; they will act as bits checking him when he would depart from his thoughtfully conceived, previously wrought structure. To the listener, also, they are often of incalculable service. No matter how priceless the treasures of a museum may be, unless they are properly catalogued and placarded, although they may attract a passing glance, they can make no very definite or lasting impression on the mind of a visitor. So, the divisions show to the audience exactly where the speaker is, what he intends to do, and how he will do it. They make the address clear and easily appre-

hended; and clearness is the first requisite of all writing and speaking. Particularly, therefore, when the object of a speech is to give important information, that is, in deliberative or forensic oratory, a formal partition should in most cases be announced; and it should always be announced when there is any reason to believe that the method adopted will not otherwise be readily comprehended.

The characteristics of a good partition are that the divisions shall be few, brief, intelligible, and exclusive; and, in argument, in addition to these, exhaustive and conclusive. The best number of divisions for the ordinary discourse is, perhaps, three, although as many as five are permissible; and sometimes in forensic speeches, the whole question can be made to turn on a single point, which is very desirable. More than five divisions are likely to bewilder an audience; they cannot be easily grasped as a whole or retained in the mind. Furthermore, each division should be brief and concise, occupying not more than a line or two; and this again because a short, terse statement is much more easily fastened upon than one longer and more involved. Of course the divisions must be set forth simply, lucidly, and intelligibly. By exclusive is meant that there shall be no overlapping, a fault that is not uncommon. For instance, it would be wrong to divide a question into three such heads as: the theoretical side, the practical side, the situation in New York State; for the last is included in the other two. To make such a division as wisdom, expediency, history, and justice is also faulty, for these terms are not logically correlative. In argument, as has already been said, exhaustiveness and conclusiveness are the prime

requisites of a partition. The question must not only be covered, but covered in such a way as to permit of neither dissent nor controversy.

In conclusion, then, we may say that the partition is often a very serviceable part of an oration, and, on theoretical grounds at least, may always be defended. But, in practice, the custom, we must acknowledge, is largely to do away with it, and by its omission to make the structure of an oration as little mechanical as possible. The question which each speaker must determine for himself is whether the result thus secured is adequate compensation for the clearness which is likely to be sacrificed.

## XI. THE DISCUSSION.

Although each of the foregoing divisions—the introduction, the narration, and the partition—has been treated with some fullness, the writer has been careful to point out that none of them is absolutely essential to any discourse; an introduction is, indeed, usually to be found; the other parts are rare. But in the case of the discussion, the division now before us, the reverse of this is true; the discussion is an essential part; in fact it is the only essential part in an oration. Everything that precedes this is explication and preparation; here we enter upon the real purpose and object of the speaker.

Ancient rhetoricians were much more successful than moderns have been in indicating what the discussion should contain. No one, nowadays, seriously pretends to give rules for the contents of speeches; it is generally recognized that however much can be

done in perfecting form, that is, the method of arranging ideas, nothing very valuable can be said by anyone as to how these ideas shall be procured. The ancients, however, were of an opinion much to the contrary. Their treatises not only gave rules for the construction, but for the discovery of the material which an address should contain. Such rules, which are said to have been the invention of Greek sophists, were called "topics," and were divided into two classes, internal and external, the former being derived from the immediate subject, the latter from anterior sources. Besides the general topics, there were topics peculiar to the different forms of oratory; as, in deliberative oratory, special rules were given for advocating or condemning causes of certain kinds; and in demonstrative oratory, schemes showing how a person or thing might be praised or censured. Of course these topics deserve all the scorn that has been cast upon them by latter-day writers; ideas cannot be made to order; and yet this whole subject, so fully treated by Cicero, is full of interest, as showing the thought and attention that were once devoted to the science of speech-making.

What little there is of real value to be said under the head of the discussion may be stated, as was done under partition, first with reference to the expository, and second with reference to the argumentative address. In touching both of these forms one of the chief points to be noticed is the method of arranging the ideas of a speech. In an expository oration the ordinary plan for securing climax is followed: the development is from the weaker to the stronger, from the less to the more intense. Beginning smoothly

and easily, without extraordinary emphasis or gesticulation, the orator should gradually work up to the moving portion of what he has to say. In a majority of cases, too, more than one climax should be made; there ought to be several summits, after the attainment of which the speaker returns quietly to the vales, again to begin simply and easily a new division of his work. It is, however, much more common to find too many instead of too few climaxes; or else to find no climax at all, the address being placed on a high key at the beginning, and maintained there throughout. At first, such a method may seem forcible and convincing, but the impression does not last long; interest soon gives way to neglect; monotony is followed by inattention. Light and shade are among the most essential qualities of an oration, but they are qualities which few speakers, even those of experience, have wholly mastered. The moderate use of the strongest appeal following graceful, winning passages of little intensity; the whole carefully modulated; the climaxes skillfully worked up—these are the characteristics of the greatest orations. But too often in their place we have a single appeal of uniform emphasis, or else a series of explosions, weak and tiresome in their frequency and in the wholesale lack of judgment and feeling which they display.

It would, however, be manifestly unfair to infer from this that appeals to the emotions, which are the end of all great oratory, can be regulated with geometrical precision; that, after the gentler methods of speech have been exhausted, the passions can be turned on to give spice and adornment to the tale. Appeals to the emotions must be spontaneous, and

must arise directly and naturally from the subject itself, or they will be wholly inapt. To manage fervid parts artificially is to destroy their force and purpose. At the same time, the orator must have a keen appreciation for effects, and must deal with them just as coolly and as scientifically as the painter or composer; his imagination and passion must no more be let run riot than theirs, for, in either case, chaos is the inevitable result. The speaker has at his command certain means by which his ends are produced; these he must use thoughtfully and with discretion; he must see that certain ideas can be introduced much more effectively in one place than in another; and he must be able to lead up to these ideas, so as to bring out their whole beauty and power. But all this, by the accomplished speaker, can be done without imparting to his work the appearance of studied arrangement. The juxtaposition and the massing of thoughts and facts may have been hit upon only after repeated efforts, but the result may be so harmonious and natural as to seem wholly unsought for. It is not care-taking structure that mars an oration; it is the undue evidence of the labor; the art which is no more than artificiality.

Some writers in dealing with the oration justify, as a kind of subdivision, what is known as the excursus. The excursus may be placed after any one of the preliminary parts, or in the discussion. Its function is to give the orator the chance to say anything he may wish under a head not at once derivable from his topic; here, if he will soon return to resume the plan of his discourse, he may wander for a moment in foreign fields. The whole notion of an excursus in speaking is pernicious. If an idea belongs to a topic,

and by being introduced will lend interest and thoroughness to the treatment, it should be made a regular part of the oration; if it cannot be brought in thus it should be omitted entirely. It must contribute directly to the development, or, however beautiful and striking in itself it may be, it should have no place. The befogging of the audience, the turning of their minds from the regular channel of the speech, does far more harm than can be retrieved by supervenient observations no matter how profound. In too many speeches there are parts which a careful editor, having his mind only on the effect produced, can strike out bodily, without in the least disturbing the structure or destroying the continuity of the thought.

In dealing with the discussion in an argumentative address, a little more definite treatment is possible, and some slight reversal of the rules laid down is necessary. The discussion of an argument constitutes the proof. The preliminary parts have explained and defined the question and made its bearing clear; in the partition the exact points at issue have been determined; now comes the proof of the issues. Each division is taken up separately and in order, and, so far as is possible, proved one way or another. The evidence, the facts which the speaker in the course of his reading and cogitation has chanced upon, are placed under appropriate heads and subheads; the ideas are marshaled one after another with cogency and force; nothing is left unsaid that will tend toward absolute conviction in the minds of the audience. The discussion is the scientific demonstration, by means of argument and evidence, of the points in dispute.

This demonstration is, moreover, usually the result

of two different processes: proof may be either direct, the statement of affirmative points; or indirect, the statement of points in answer to arguments advanced by an opponent—that is, refutation. Cicero, it will be remembered, made a division of proof with reference to these classes, calling direct proof, confirmation, and indirect proof, confutation. Although it is unnecessary, and, since the two blend so constantly into each other, a little unwise to distinguish between them thus, the expert in argumentation never forgets that one is almost as important as the other. No matter how valid may be a series of arguments on one side, their force can be totally destroyed by a single unanswered point on the other; and in such a situation much more will be gained by replying to the negative point, even inconclusively, than by dwelling throughout on affirmative issues. Refutation, furthermore, goes deep into the very roots of argument. A speaker may be called upon not only to meet assertions directed against the main contentions of his case, but each subsidiary idea that he introduces in support of the main contentions may also be the object of attack. The value of the evidence may be controverted; what a point proves may be disputed; and before these ideas can be ranged in proper support of the main issues, the speaker may be obliged to undertake very elaborate refutation in their behalf. Few characteristics are more essential for the orator than the faculty to see just where his advances are to be encountered and how he can meet and overcome the attacks.

The arrangement of a forensic oration is frequently different from that of an expository address. In an expository address, as was said, the law of climax is

usually followed; the development is from the less to the greater. But in the argument the more important points can often be placed advantageously first. Sometimes the opening division may be one in direct argument, sometimes one in refutation. The rule is that whenever any point in refutation is so emphatic as to impede, until it is answered, the affirmative argument, it should be placed first; otherwise it should be brought in toward the end. The reason for putting the stronger points at the beginning is that they produce here their greatest effect; after a predisposition has been gained, weaker arguments can be brought out and weaker refutation used without so materially damaging the case. There has always been much discussion as to the value of stating, either in direct argument or in refutation, points which cannot be fully proved. Some have maintained that such points should be omitted altogether; others that they should be placed as tactfully as possible and made the most of. Certainly, when inconclusive propositions are employed, the best place for them is where their insufficiency will be least noticed, preferably in the middle of the speech, between two ideas which carry greater conviction. The moment of doubt will thus be delayed by what precedes, and safe ground will be reached before the element of uncertainty has long worked.

The question of what in the fullest sense constitutes proof is one rather too intricate and difficult to enter upon here, and may be dismissed with the mere indication of the two general divisions into which the subject falls. These divisions are: argument and evidence. Argument is that form of demonstration

which the speaker draws from his own mind, and its value depends on the common experience of the hearers and the reputation of the speaker. If the one who makes the statement is an authority on the subject, his words have weight just to the extent that his authority is recognized and his veracity unquestioned. If he is not an expert, the value of what he says depends wholly on common experience; if it commends itself to the audience it will be effective; otherwise not. The character and intelligence of an audience thus determine, to a considerable degree, the worth of argument; what a scientific body would accept unhesitatingly might be wholly inadequate before a popular assembly.

The second form of proof is that of evidence; not what the speaker extracts from his own mind, but what he gathers from the writings and words of others. And the test of evidence is the same as one of the tests of argument: the authority of the person or work from whence the matter is derived. The chance saying reported by a newspaper is of infinitely less value as evidence than the same statement made by the same person in a public report or printed review. Where, when, and by whom, are the questions on which the reliability of proof rests. To make a quotation or to cite figures is not enough; an audience must be told by whom, and under what conditions, the words were uttered, and whether the figures are from a reliable document or are those hastily compiled from unauthorized sources. This faculty of bringing out the character of evidence lies at the bottom of all convincing argumentation.

## XII. THE CONCLUSION.

The only division of the oration that now remains to be spoken of is the conclusion, often called the peroration. The purpose of the conclusion is usually recognized to be twofold: to recapitulate, and to arouse the passions. Aristotle, whose analyses are generally so penetrating, did indeed add to these two other functions: that of rendering the hearers favorable to the speaker and ill-disposed to his adversary, and that of amplification and extenuation; but the first may rightly be regarded as a part of the general purpose of arousing the passions; while the last is purely factitious.

A conclusion with a summary is found particularly in forensic and deliberative orations, sometimes in sermons, but rarely in demonstrative efforts. Thus it pertains to orations of the argumentative rather than the narrative or expository type. The summary is the recapitulation of the cardinal points which have been touched upon in a discourse. The speaker goes back to the issues and restates the case again briefly, dwelling as well on the contentions of his opponent as upon the facts advanced by himself directly. The object is to refresh the memory of the audience, to enforce the essential parts, and to leave a convincing impression. Only the important ideas, however, those on which the two sides clash, need be regarded with much care; and all new matter, since it tends to divert the attention from the retrospection, should be excluded. The points which are reviewed should not be recalled simply in the same phrases in which they were first mentioned, for this is exceedingly tiresome; they

should be presented with some freshness and variety, although the audience should never be led to regard them as something new.

The other purpose of the conclusion, to make a final appeal to the emotions, is now hardly ever omitted, although in classic oratory there was much divergence in the practice. In Athens, in a forensic discourse, a direct appeal was not countenanced; the speaker had to confine himself scrupulously to a logical demonstration. In Rome, on the other hand, so unrestricted was the use of the pathetic that all sorts of ingenious devices could be called into service. The weeping children of the prisoner on trial, the wounds of the victim, the implements with which the act was committed, might be brought forward by the advocate to engage sympathy and to secure the verdict. Nowadays, of course, such perversions of argument are permitted neither in the conclusion nor in the other parts of the oration; the speaker has no means except words at his command. The underlying purpose or idea of the speech is the one to be insisted upon in the final appeal. If the object is to secure a certain verdict, or to lead men to vote in a certain way, the thoughts and feelings which have been most in question must be dwelt upon; if it was the teachings of a noble life or a great event that has formed the subject, the essence of the principle which the orator wishes to inculcate must have place. Whatever is the impression to be conveyed, whatever is the end to be accomplished—this should form the burden, the motive of the conclusion.

In no other part of the oration does the orator have so great an opportunity to prove his genius and his

eloquence as in the conclusion. In the introduction he is frequently hampered by the newness of his theme and the lack of any real sympathy on the part of his audience; in the body of the address he must be busy maintaining his thesis and elaborating his evidence; but in the conclusion no such limitations are possible. The whole speech has been given to prepare the hearers for this part; the speaker's skill as a logician and philosopher has been fully demonstrated; he is now entirely free for whatever flight his ability may permit. The incentive, too, which urges him is greater at this than at any other time. In a moment the jury will retire, the vote on the bill will be taken, the cause will go forth to ride on the great sea of public opinion, unsupported by any further words. Well, therefore, may power and ingenuity be exerted to the utmost; well may the peroration be the sublimest part of the work.

Never should the conclusion be much prolonged. The speech proper is finished; this is the parting word; and, like all parting words, it should not be amplified or repeated. To hold an audience when they are in this state of expectancy is not only to vex them; it may seriously endanger the effect of the whole oration. All that is said should be brief and to the point; as striking and impelling as possible; but never so long as to lose for a moment the attention of a single hearer.

### XIII. THE PREPARATION OF SPEECHES.

Nearly every speaker, very early in his career, adopts some method which he follows in the preparation of his work. These methods, as is perfectly

natural, owing to many differences in temperament, in training, and in mental habits, are often widely divergent: what one man finds exceedingly helpful may be to another laborious and unfruitful; and so, only with caution can anyone write of the best, or even a profitable plan for another to pursue in the making of a speech. Still, some observation has shown that a great number of public speakers in performing the same task go about it in much the same way; and a brief statement of what this way is seems worthy of a place here.

Manifestly the first requisite in the making of a speech is to secure a topic; but, as this part of the preparation has already received some attention above, it need not be enlarged upon now. Granted a topic, the next step is to procure material. Perhaps as good a way as any to begin is for the speaker to meditate long and earnestly on his subject, in order to recall all the ideas that he has upon it. These ideas should then be placed on a sheet of paper, which for many days after should be kept near at hand to receive other and possibly more important points, that have before eluded discovery. The purpose is to evolve as much as can be from within, for although there is little positive guarantee that suggestions derived in this manner will be original, they are more than likely to bear the personal stamp which is so highly desirable. When the stock of his own ideas has been exhausted, the speaker may turn to seek inspiration from other sources. He will, in all probability, go at once to literature; but he will do well to avoid books and articles bearing directly upon his theme; rather, he will peruse such matter as will furnish food for reflection,

not that which he might make use of with little change. Thus, if he is to discuss the career of Washington, a good history of the Revolution and the period following it will better suit his purpose than a critical biography of the great man. The reading of books of the former class will get the mind to working in sympathetic channels and will furnish data from which original observations and generalizations can be drawn, but it will not prove a source of vexation or temptation. To be sure, if biographical or historical matter is to be incorporated, the best authorities may at once be consulted and freely drawn upon; for the orator cannot be expected to work as the historian, gleaning all his facts first-hand. But, aside from such cases, reading should principally be for the purpose of suggestion.

The reading having been accomplished and a considerable body of notes and observations having been brought together, the next step is to select the ideas which shall be used, and to arrange them. For this purpose the speaker can best provide himself with a number of sheets of paper, each of which will represent a given part of the oration. One slip will be labeled introduction, another narration, and so on until all the parts have been cared for. Turning then to his jottings, he will go through them very carefully a number of times, and such points as he thinks well of he will transfer to the slip of paper to which it belongs. A miniature brief will thus be constructed; the general divisions and the ideas which may be amplified under them will begin to be evident. But just here it will probably be apparent that some points which before seemed of slight importance could, if

...ular treatment were given them, to make a greater ...ain. In other words, that more reality and thought ...ong certain lines is necessary. So the steps may ...ave to be retraced, and further time expended before the outline of the work seen will be satisfactory.

The only other duty that remains is to put the oration into its final form, and this is where the individual preference of speakers differs most widely. In general there are three forms into which a speech may be cast before being delivered. It may be wholly written and committed to memory, none of it may be written, or learned parts of it may be written and learned and parts spoken extemporaneously. Usually speakers begin with the first method, many learn to follow the second, while the last is probably the best of the three.

At the outset nearly every neophyte has to learn his speeches by heart. Confidence must be acquired; attention must be devoted to the manner of delivery; the chance of not saying what one wished to say cannot be risked; and hence the discourse is written out and learned by heart, as is perfectly proper it should be. The ancients nearly always did this, and the cultivation of the memory was formerly a part of nearly every orator's training and qualifications. But if there were any danger that this method would now be followed by a very great number of men a slight caution against it would be in place. In reality it puts the speaker at a great disadvantage; audiences ... not care for a memorized speech, and only ... most consummate art can they be deceived. ... more, the speaker whose address is written ... would from taking advantage ...

moment; from meeting retort with retort; from weaving together subtly his own arguments and his reply to his opponent; in short, from making the most of his opportunities. Especially, therefore, for the deliberative or forensic orator, the habitual use of this method is very unfortunate. There is, however, not a great deal of danger that many will long follow it; the great labor that it imposes is alone sufficient to bring its abandonment after a little facility, ease, and confidence have been acquired.

So we come to the second method, which is to commit nothing to memory, to rely solely on the concisely stated outline. The many advantages of being able to speak after such preparation are evident: every suggestion of the occasion, every frown or ripple that passes over the audience may be seized upon and turned to good account; that sparkle and glamour of instant reply which assemblies so delight in may be indulged in to the utmost. And yet, except in the case of unusual men, this method, for one who aspires to great oratory, probably has less, by a good deal, to commend it than any other. The inspiration which such a plan necessitates is not always forthcoming, and when it is absent, platitudes and vacuity only can be hoped for. Again, taking a discourse as a whole, not even the most gifted person can build so fine a structure without a pen as with one; writing demands accurate thinking; improvised speaking permits and encourages very loose thinking. Separate passages of great brilliancy may be struck off at the moment, but their power is certain to be diminished by paragraphs which are irrelevant and sentences that are impossible. If anyone wishes to observe the different

results of careful preparation and extempore speaking, let him compare the shorthand reports of an admittedly extempore effort such as Webster's reply to Hayne, and the revision of the same speech which was printed a month or so afterward.

It seems, therefore, that a combination of the two preceding plans is, on the whole, the best. Certain portions of a speech should nearly always be written out: the conclusion, for example; parts of the narration, when a precise statement of facts is necessary; passages in the discussion. But opportunity should also be left for the exigencies of the occasion, for remarking upon passing events, and replying to an adversary's contentions. In some kinds of speeches more can profitably be written than in others; large parts of sermons and demonstrative orations; but less of deliberative and forensic efforts. Finally, it should be noted that whatever is written and spoken from memory should be so blended and interwrought with the other parts of the speech that not even the most watchful person can detect the different elements as they are uttered. Nothing so much destroys the harmony of an oration as the curiously incongruous result that comes from the protrusion of paragraphs prepared in different ways.

# ORATIONS.

# ORATIONS.

## *DELIBERATIVE ORATORY.*

### CARL SCHURZ.

*Born 1829.*

### GENERAL AMNESTY.

[The following speech was delivered in the United States Senate, January 30, 1872, on a bill for removing the political disabilities imposed by the third section of the Fourteenth Amendment to the Constitution. This section provided that no person should be a senator, representative, or presidential elector, or hold any civil or military office under the United States or any State, who, as a Federal or State officer, had sworn to support the Constitution and had afterward engaged in the Rebellion; but provision was made that the disability could be removed by a two-thirds vote of each House. The bill before Congress at this time did not, however, aim to secure general amnesty, for three classes of persons were excepted from the relief: members who withdrew from Congress and aided the Rebellion; officers, over twenty-one years of age, who left the Army and Navy and aided the Rebellion; and members of State conventions who voted for ordinances of secession. The bill, failing to receive the necessary two-thirds vote, was defeated. The speech is reprinted, with the permission of Mr. Schurz, from the *Congressional Globe.*]

Mr. President, when this debate commenced before the holidays, I refrained from taking part in it, and from expressing my opinions on some of the provi-

sions of the bill now before us; hoping as I did that the measure could be passed without difficulty, and that a great many of those who now labor under political disabilities would be immediately relieved. This expectation was disappointed. An amendment* to the bill was adopted. It will have to go back to the House of Representatives now unless by some parliamentary means we get rid of the amendment, and there being no inducement left to waive what criticism we might feel inclined to bring forward, we may consider the whole question open.

I beg leave to say that I am in favor of general, or, as this word is considered more expressive, universal amnesty, believing, as I do, that the reasons which make it desirable that there should be amnesty granted at all, make it also desirable that the amnesty should be universal. The senator from South Carolina [Mr. Sawyer] has already given notice that he will move to strike out the exceptions from the operation of this act of relief for which the bill provides. If he had not declared his intention to that effect, I would do so. In any event, whenever he offers his amendment I shall most heartily support it.

In the course of this debate we have listened to some senators, as they conjured up before our eyes once more all the horrors of the Rebellion, the wickedness of its conception, how terrible its incidents were, and how harrowing its consequences. Sir, I admit it all; I will not combat the correctness of the picture; and yet if I differ with the gentlemen who drew it, it is

*An amendment offered by Senator Morton, providing that the act should not relate back and validate the election or appointment of persons who were ineligible when elected.

because, had the conception of the Rebellion been still more wicked, had its incidents been still more terrible, its consequences still more harrowing, I could not permit myself to forget that in dealing with the question now before us we have to deal not alone with the past, but with the present and future interests of this republic.

What do we want to accomplish as good citizens and patriots? Do we mean only to inflict upon the late rebels pain, degradation, mortification, annoyance, for its own sake; to torture their feelings without any ulterior purpose? Certainly such a purpose could not by any possibility animate high-minded men. I presume, therefore, that those who still favor the continuance of some of the disabilities imposed by the Fourteenth Amendment do so because they have some higher object of public usefulness in view, an object of public usefulness sufficient to justify, in their minds at least, the denial of rights to others which we ourselves enjoy.

What can those objects of public usefulness be? Let me assume that, if we differ as to the means to be employed, we are agreed as to the supreme end and aim to be reached. That end and aim of our endeavors can be no other than to secure to all the States the blessings of good and free government and the highest degree of prosperity and well-being they can attain, and to revive in all citizens of this republic that love for the Union and its institutions, and that inspiring consciousness of a common nationality, which, after all, must bind all Americans together.

What are the best means for the attainment of that end? This, sir, as I conceive it, is the only legitimate

question we have to decide. Certainly all will agree that this end is far from having been attained so far. Look at the Southern States as they stand before us to-day. Some are in a condition bordering upon anarchy, not only on account of the social disorders which are occurring there, or the inefficiency of their local governments in securing the enforcement of the laws; but you will find in many of them fearful corruption pervading the whole political organization; a combination of rascality and ignorance wielding official power; their finances deranged by profligate practices; their credit ruined; bankruptcy staring them in the face; their industries staggering under a fearful load of taxation; their property-holders and capitalists paralyzed by a feeling of insecurity and distrust almost amounting to despair. Sir, let us not try to disguise these facts, for the world knows them to be so, and knows it but too well.

What are the causes that have contributed to bring about this distressing condition? I admit that great civil wars, resulting in such vast social transformations as the sudden abolition of slavery, are calculated to produce similar results; but it might be presumed that a recuperative power such as this country possesses might, during the time which has elapsed since the close of the War, at least have very materially alleviated many of the consequences of that revulsion, had a wise policy been followed.

Was the policy we followed wise? Was it calculated to promote the great purposes we are endeavoring to serve? Let us see. At the close of the War we had to establish and secure free labor and the rights of the emancipated class. To that end we had to disarm

those who could have prevented this, and we had to give the power of self-protection to those who needed it. For this reason temporary restrictions were imposed upon the late rebels, and we gave the right of suffrage to the colored people. Until the latter were enabled to protect themselves, political disabilities even more extensive than those which now exist rested upon the plea of eminent political necessity. I would be the last man to conceal that I thought so then, and I think there was very good reason for it.

But, sir, when the enfranchisement of the colored people was secured; when they had obtained the political means to protect themselves, then another problem began to loom up. It was not only to find new guarantees for the rights of the colored people, but it was to secure good and honest government to all. Let us not underestimate the importance of that problem, for in a great measure it includes the solution of the other. Certainly nothing could have been more calculated to remove the prevailing discontent concerning the changes that had taken place, and to reconcile men's minds to the new order of things, than the tangible proof that that new order of things was practically working well; that it could produce a wise and economical administration of public affairs, and that it would promote general prosperity, thus healing the wounds of the past and opening to all the prospect of a future of material well-being and contentment. And, on the other hand, nothing could have been more calculated to impede a general, hearty, and honest acceptance of the new order of things by the late rebel population than just those failures of public adminis-

tration which involve the people in material embarrassments and so seriously disturb their comfort. In fact, good, honest, and successful government in the Southern States would in its moral effects, in the long run, have exerted a far more beneficial influence than all your penal legislation, while your penal legislation will fail in its desired effects if we fail in establishing in the Southern States an honest and successful administration of the public business. Now, what happened in the South? It is a well-known fact that the more intelligent classes of Southern society almost uniformly identified themselves with the Rebellion; and by our system of political disabilities just those classes were excluded from the management of political affairs. That they could not be trusted with the business of introducing into living practice the results of the War, to establish true free labor, and to protect the rights of the emancipated slaves, is true; I willingly admit it. But when those results and rights were constitutionally secured there were other things to be done. Just at that period when the Southern States lay prostrated and exhausted at our feet, when the destructive besom of war had swept over them and left nothing but desolation and ruin in its track, when their material interests were to be built up again with care and foresight—just then the public business demanded, more than ordinarily, the co-operation of all the intelligence and all the political experience that could be mustered in the Southern States. But just then a large portion of that intelligence and experience was excluded from the management of public affairs by political disabilities, and the controlling power in those States rested in a

great measure in the hands of those who had but recently been slaves and just emerged from that condition, and in the hands of others who had sometimes honestly, sometimes by crooked means and for sinister purposes, found a way to their confidence.

This was the state of things as it then existed. Nothing could be further from my intention than to cast a slur upon the character of the colored people of the South. In fact, their conduct immediately after that great event which struck the shackles of slavery from their limbs was above praise. Look into the history of the world, and you will find that almost every similar act of emancipation—the abolition of serfdom, for instance—was uniformly accompanied by the atrocious outbreaks of a revengeful spirit; by the slaughter of nobles and their families, illumined by the glare of their burning castles. Not so here. While all the horrors of San Domingo had been predicted as certain to follow upon emancipation, scarcely a single act of revenge for injuries suffered or for misery endured has darkened the record of the emancipated bondmen of America. And thus their example stands unrivaled in history, and they, as well as the whole American people, may well be proud of it. Certainly, the Southern people should never cease to remember and appreciate it.

But while the colored people of the South earned our admiration and gratitude, I ask you in all candor could they be reasonably expected, when, just after having emerged from a condition of slavery, they were invested with political rights and privileges, to step into the political arena as men armed with the intelligence and experience necessary for the manage-

ment of public affairs and for the solution of problems made doubly intricate by the disasters which had desolated the Southern country? Could they reasonably be expected to manage the business of public administration, involving to so great an extent the financial interests and the material well-being of the people, and surrounded by difficulties of such fearful perplexity, with the wisdom and skill required by the exigencies of the situation? That as a class they were ignorant and inexperienced and lacked a just conception of public interests, was certainly not their fault; for those who have studied the history of the world know but too well that slavery and oppression are very bad political schools. But the stubborn fact remains that they *were* ignorant and inexperienced; that the public business *was* an unknown world to them, and that in spite of the best intentions they *were* easily misled, not infrequently by the most reckless rascality which had found a way to their confidence. Thus their political rights and privileges were undoubtedly well calculated, and even necessary, to protect their rights as free laborers and citizens; but they were not well calculated to secure a successful administration of other public interests.

I do not blame the colored people for it, still less do I say that for this reason their political rights and privileges should have been denied them. Nay, sir, I deemed it necessary then, and I now reaffirm that opinion, that they should possess those rights and privileges for the permanent establishment of the logical and legitimate results of the War and the protection of their new position in society. But, while never

losing sight of this necessity, I do say that the inevitable consequence of the admission of so large an uneducated and inexperienced class to political power, as to the probable mismanagement of the material interests of the social body, should at least have been mitigated by a counterbalancing policy. When ignorance and inexperience were admitted to so large an influence upon public affairs, intelligence ought no longer to so large an extent to have been excluded. In other words, when universal suffrage was granted to secure the equal rights of all, universal amnesty ought to have been granted to make all the resources of political intelligence and experience available for the promotion of the welfare of all.

But what did we do? To the uneducated and inexperienced classes—uneducated and inexperienced, I repeat, entirely without their fault—we opened the road to power; and, at the same time, we condemned a large proportion of the intelligence of those States, of the property-holding, the industrial, the professional, the tax-paying interest, to a worse than passive attitude. We made it, as it were, easy for rascals who had gone South in quest of profitable adventure to gain the control of masses so easily misled, by permitting them to appear as the exponents and representatives of the national power and of our policy; and at the same time we branded a large number of men of intelligence, and many of them of personal integrity, whose material interests were so largely involved in honest government, and many of whom would have co-operated in managing the public business with care and foresight—we branded them, I say, as outcasts; telling them that they ought not to be

suffered to exercise any influence upon the management of the public business, and it would be unwarrantable presumption in them to attempt it.

I ask you, sir, could such things fail to contribute to the results we to-day read in the political corruption and demoralization, and in the financial ruin of some of the Southern States? These results are now before us. The mistaken policy may have been pardonable when these consequences were still a matter of conjecture and speculation; but what excuse have we now for continuing it when those results are clear before our eyes, beyond the reach of contradiction?

These considerations would seem to apply more particularly to those Southern States where the colored element constitutes a very large proportion of the voting body. There is another which applies to all.

When the Rebellion stood in arms against us, we fought and overcame force by force. That was right. When the results of the War were first to be established and fixed, we met the resistance they encountered with that power which the fortune of war and the revolutionary character of the situation had placed at our disposal. The feelings and prejudices which then stood in our way had under such circumstances but little, if any, claim to our consideration. But when the problem presented itself of securing the permanency, the peaceable development, and the successful working of the new institutions we had introduced into our political organism, we had as wise men to take into careful calculation the moral forces we had to deal with; for let us not indulge in any delusion about this: what is to be permanent in a republic like this must be supported by public opinion; it must rest

at least upon the willing acquiescence of a large and firm majority of the people.

The introduction of the colored people, the late slaves, into the body-politic as voters, pointedly affronted the traditional prejudices prevailing among the Southern whites. What should we care about those prejudices? In war, nothing. After the close of the War, in the settlement of peace, not enough to deter us from doing what was right and necessary; and yet, still enough to take them into account when considering the manner in which right and necessity were to be served. Statesmen will care about popular prejudices as physicians will care about the diseased condition of their patients, which they want to ameliorate. Would it not have been wise for us, looking at those prejudices as a morbid condition of the Southern mind, to mitigate, to assuage, to disarm them by prudent measures, and thus to weaken their evil influence? We desired the Southern whites to accept in good faith universal suffrage, to recognize the political rights of the colored man, and to protect him in their exercise. Was not that our sincere desire? But if it was, would it not have been wise to remove as much as possible the obstacles that stood in the way of that consummation? But what did we do? When we raised the colored people to the rights of active citizenship and opened to them all the privileges of eligibility, we excluded from those privileges a large and influential class of whites; in other words, we lifted the late slave, uneducated and inexperienced as he was,—I repeat, without his fault,—not merely to the level of the late master class, but even above it. We asked certain white men to recognize the colored man

in a political status not only as high but even higher than their own. We might say that under the circumstances we had a perfect right to do that, and I will not dispute it; but I ask you most earnestly, sir, was it wise to do it? If you desired the white man to accept and recognize the political equality of the black, was it wise to imbitter and exasperate his spirit with the stinging stigma of his own inferiority? Was it wise to withhold from him privileges in the enjoyment of which he was to protect the late slave? This was not assuaging, disarming prejudice; this was rather inciting, it was exasperating it. American statesmen will understand and appreciate human nature as it has developed itself under the influence of free institutions. We know that if we want any class of people to overcome their prejudices in respecting the political rights and privileges of any other class, the very first thing we have to do is to accord the same rights and privileges to them. No American was ever inclined to recognize in others public rights and privileges from which he himself was excluded; and for aught I know, in this very feeling, although it may take an objectionable form, we find one of the safeguards of popular liberty.

You tell me that the late rebels had deserved all this in the way of punishment. Granting that, I beg leave to suggest that this is not the question. The question is: What were the means best calculated to overcome the difficulties standing in the way of a willing and universal recognition of the new rights and privileges of the emancipated class? What were the means to overcome the hostile influences impeding the development of the harmony of society in its new order? I am far

from asserting that, had no disabilities existed, universal suffrage would have been received by the Southern whites with universal favor. No, sir, most probably it would not; but I do assert that the existence of disabilities, which put so large and influential a class of whites in point of political privileges below the colored people, could not fail to inflame those prejudices which stood in the way of a general and honest acceptance of the new order of things; they increased instead of diminishing the dangers and difficulties surrounding the emancipated class; and nobody felt that more keenly than the colored people of the South themselves. To their honor be it said, following a just instinct, they were among the very first, not only in the South but all over the country, in entreating Congress to remove those odious discriminations which put in jeopardy their own rights by making them greater than those of others. From the colored people themselves, it seems, we have in this respect received a lesson in statesmanship.

Well, then, what policy does common sense suggest to us now? If we sincerely desire to give to the Southern States good and honest government, material prosperity, and measurable contentment, as far at least as we can contribute to that end; if we really desire to weaken and disarm those prejudices and resentments which still disturb the harmony of society, will it not be wise, will it not be necessary, will it not be our duty to show that we are in no sense the allies and abettors of those who use their political power to plunder their fellow-citizens, and that we do not mean to keep one class of people in unnecessary degradation by withholding from them rights and

privileges which all others enjoy? Seeing the mischief which the system of disabilities is accomplishing, is it not time that there should be at least an end of it; or is there any good it can possibly do to make up for the harm it has already wrought and is still working?

Look at it. Do these disabilities serve in any way to protect anybody in his rights or in his liberty or in his property or in his life? Does the fact that some men are excluded from office, in any sense or measure, make others more secure in their lives or in their property or in their rights? Can anybody tell me how? Or do they, perhaps, prevent even those who are excluded from official position from doing mischief if they are mischievously inclined? Does the exclusion from office, does any feature of your system of political disabilities, take the revolver or the bowie-knife or the scourge from the hands of anyone who wishes to use it? Does it destroy the influence of the more intelligent upon society, if they mean to use that influence for mischievous purposes?

We hear the Ku Klux * outrages spoken of as a reason why political disabilities should not be removed. Did not these very same Ku Klux outrages happen while disabilities were in existence? Is it not clear, then, that the existence of political disabilities did not prevent them? No, sir, if political disabilities have any practical effect it is, while not in any degree diminishing the power of the evil-disposed for mischief,

* The Ku Klux Klan was a secret organization in the Southern States, formed for the purpose of preventing negroes, by intimidation, from voting or holding office. It arose probably in 1867. Many murders and other crimes were committed by its members, and it was suppressed at last only by Federal enactment.

to incite and sharpen their mischievous inclination by increasing their discontent with the condition they live in.

It must be clear to every impartial observer that were ever so many of those who are now disqualified put in office, they never could do with their official power as much mischief as the mere fact of the existence of the system of political disabilities, with its inevitable consequences, is doing to-day. The scandals of misgovernment in the South which we complain of I admit were not the first and original cause of the Ku Klux outrages. But every candid observer will also have to admit that they did serve to keep the Ku Klux spirit alive. Without such incitement it might gradually by this time, to a great extent at least, have spent itself. And now if the scandals of misgovernment were, partly at least, owing to the exclusion of so large a portion of the intelligence and experience of the South from the active management of affairs, must it not be clear that a measure which will tend to remedy this evil may also tend to reduce the causes which still disturb the peace and harmony of society?

We accuse the Southern whites of having missed their chance of gaining the confidence of the emancipated class when, by a fairly demonstrated purpose of recognizing and protecting them in their rights, they might have acquired upon them a salutary influence. That accusation is by no means unjust; but must we not admit, also, that by excluding them from their political rights and privileges we put the damper of most serious discouragement upon the good intentions which might have grown up among them? Let us

place ourselves in their situation, and then I ask you how many of us would, under the same circumstances, have risen above the ordinary impulses of human nature to exert a salutary influence in defiance of our own prejudices, being so pointedly told every day that it was not the business of those laboring under political disabilities to meddle with public affairs at all? And thus, in whatever direction you may turn your eyes, you look in vain for any practical good your political disabilities might possibly accomplish. You find nothing, absolutely nothing, in their practical effects but the aggravation of evils already existing, and the prevention of a salutary development.

Is it not the part of wise men, sir, to acknowledge the failure of a policy like this in order to remedy it, especially since every candid mind must recognize that, by continuing the mistake, absolutely no practical good can be subserved?

But I am told that the system of disabilities must be maintained for certain moral effect. The senator from Indiana [Mr. Morton] took great pains to inform us that it is absolutely necessary to exclude somebody from office in order to demonstrate our disapprobation of the crime of rebellion. Methinks that the American people have signified their disapprobation of the crime of rebellion in a far more pointed manner. They sent against the rebellion a million armed men. We fought and conquered the armies of the rebels; we carried desolation into their land; we swept out of existence that system of slavery which was the soul of their offense and was to be the corner stone of their new empire. If that was not signifying our disapprobation of the crime of rebellion, then

I humbly submit that your system of political disabilities, only excluding some persons from office, will scarcely do it.

I remember, also, to have heard the argument that under all circumstances the law must be vindicated. What law in this case? If any law is meant, it must be the law imposing the penalty of death upon the crime of treason. Well, if at the close of the War we had assumed the stern and bloody virtue of the ancient Roman, and had proclaimed that he who raises his hand against this republic must surely die, then we might have claimed for ourselves at least the merit of logical consistency. We might have thought that by erecting a row of gallows stretching from the Potomac to the Rio Grande, and by making a terrible example of all those who had proved faithless to their allegiance, we would strike terror into the hearts of this and coming generations, to make them tremble at the mere thought of treasonable undertakings. That we might have done. Why did we not? Because the American people instinctively recoiled from the idea; because every wise man remembered that where insurrections are punished and avenged with the bloodiest hands, there insurrections do most frequently occur; witness France and Spain and the southern part of this hemisphere; that there is a fascination for bloody reckonings which allures instead of repelling—a fascination like that of the serpent's eye, which irresistibly draws on its victim. The American people recoiled from it, because they felt and knew that the civilization of the nineteenth century has for such evils a better medicine than blood.

Thus, sir, the penalty of treason, as provided for by

law, remained a dead letter on the statute book, and we instinctively adopted a generous policy, and we added fresh luster to the glory of the American name by doing so. And now you would speak of vindicating the law against treason, which demands death, by merely excluding a number of persons from eligibility to office! Do you not see that, as a vindication of the law against treason, as an act of punishment, the system of disabilities sinks down to the level of a ridiculous mockery? If you want your system of disabilities to appear at all in a respectable light, then, in the name of common sense, do not call it a punishment for treason. Standing there, as it does, stripped of all the justification it once derived from political necessity, it would appear only as the evidence of an impotent desire to be severe without the courage to carry it out. But, having once adopted the policy of generosity, the only question for us is how to make that policy most fruitful. The answer is: We shall make the policy of generosity most fruitful by making it most complete.

The senator from Connecticut [Mr. Buckingham], whom I am so unfortunate as not to see in his seat to-day, when he opened the debate, endeavored to fortify his theory by an illustration borrowed from the Old Testament, and I am willing to take that illustration off his hands. He asked, if Absalom had lived after his treason, and had been excluded from his father's table, would he have had a just reason to complain of an unjust deprivation of rights? It seems to me that story of Absalom contains a most excellent lesson, which the Senate of the United States ought to read correctly. For the killing of his brother, Absa-

lom had lived in banishment, from which the king, his father, permitted him to return; but the wayward son was but half pardoned, for he was not permitted to see his father's face. And it was for that reason, and then, that he went among the people to seduce them into a rebellion against his royal father's authority. Had he survived that rebellion, King David, as a prudent statesman, would either have killed his son Absalom or he would have admitted him to his table, in order to make him a good son again by unstinted fatherly love. But he would certainly not have permitted his son Absalom to run at large, capable of doing mischief, and at the same time by small measures of degradation inciting him to do it. And that is just the policy we have followed. We have permitted the late rebels to run at large, capable of doing mischief, and then by small measures of degradation, utterly useless for any good purpose, we incited them to do it. Looking at your political disabilities with an impartial eye, you will find that, as a measure of punishment, they did not go far enough; as a measure of policy they went much too far. We were far too generous to subjugate the hearts of our late enemies by terror; and we mixed our generosity with just enough of bitterness to prevent it from bearing its full fruit. I repeat, we can make the policy of generosity most fruitful only by making it most complete. What objection, then, can stand against this consideration of public good?

You tell me that many of the late rebels do not deserve a full restoration of their rights. That may be so; I do not deny it; but yet, sir, if many of them do not deserve it, is it not a far more important considera-

tion how much the welfare of the country will be promoted by it?

I am told that many of the late rebels, if we volunteer a pardon to them, would not appreciate it. I do not deny this; it may be so, for the race of fools, unfortunately, is not all dead yet; but if they do not appreciate it, shall we have no reason to appreciate the great good which by this measure of generosity will be conferred upon the whole land?

Some senator, referring to a defaulting paymaster who experienced the whole rigor of the law, asked us, "When a poor defaulter is punished, shall a rebel go free? Is embezzlement a greater crime than treason?" No, sir, it is not; but again I repeat that is not the question. The question is whether a general amnesty to rebels is not far more urgently demanded by the public interest than a general pardon for thieves. Whatever may be said of the greatness and the heinous character of the crime of rebellion, a single glance at the history of the world and at the practice of other nations will convince you that in all civilized countries the measure of punishment to be visited on those guilty of that crime is almost uniformly treated as a question of great policy and almost never as a question of strict justice. And why is this? Why is it that a thief, although pardoned, will never again be regarded as an untainted member of society, while a pardoned rebel may still rise to the highest honors of the state, and sometimes even gain the sincere and general esteem and confidence of his countrymen? Because a broad line of distinction is drawn between a violation of law in which political opinion is the controlling element (however erroneous, nay, however

revolting that opinion may be, and however disastrous the consequences of the act) and those infamous crimes of which moral depravity is the principal ingredient; and because even the most disastrous political conflicts may be composed for the common good by a conciliatory process, while the infamous crime always calls for a strictly penal correction. You may call this just or not, but such is the public opinion of the civilized world, and you find it in every civilized country.

Look at the nations around us. In the Parliament of Germany how many men are there sitting who were once what you would call fugitives from justice, exiles on account of their revolutionary acts, now admitted to the great council of the nation in the fullness of their rights and privileges—and mark you, without having been asked to abjure the opinions they formerly held, for at the present moment most of them still belong to the Liberal opposition. Look at Austria, where Count Andrassy, a man who, in 1849, was condemned to the gallows as a rebel, at this moment stands at the head of the imperial ministry; and those who know the history of that country are fully aware that the policy of which that amnesty was a part, which opened to Count Andrassy the road to power, has attached Hungary more closely than ever to the Austrian Crown, from which a narrow-minded policy of severity would have driven her.

Now, sir, ought not we to profit by the wisdom of such examples? It may be said that other Governments were far more rigorous in their first repressive measures, and that they put off the grant of a general amnesty much longer after suppressing an insurrec-

tion than we are required to do. So they did; but is not this the great republic of the New World which marches in the very vanguard of modern civilization, and which, when an example of wisdom is set by other nations, should not only rise to its level, but far above it?

It seems now to be generally admitted that the time has come for a more comprehensive removal of political disabilities than has so far been granted. If that sentiment be sincere, if you really do desire to accomplish the greatest possible good by this measure that can be done, I would ask you what practical advantage do you expect to derive from the exclusions for which this bill provides? Look at them, one after another.

First, all those are excluded who, when the Rebellion broke out, were members of Congress, and left their seats in these halls to join it. Why are these men to be excluded as a class? Because this class contains a number of prominent individuals, who, in the Rebellion, became particularly conspicuous and obnoxious, and among them we find those whom we might designate as the original conspirators. But these are few, and they might have been mentioned by name. Most of those, however, who left their seats in Congress to make common cause with the rebels were in no way more responsible for the Rebellion than other prominent men in the South who do not fall under this exception. If we accept at all the argument that it will be well for the cause of good government and the material welfare of the South to re-admit to the management of public affairs all the intelligence and political experience in those States, why, then,

exclude as a class men who, having been members of Congress, may be presumed to possess a higher degree of that intelligence and experience than the rest? If you want that article at all for good purposes, I ask you, do you not want as large a supply of that article as you can obtain?

Leaving aside the original conspirators, is there any reason in the world why those members of Congress should be singled out from the numerous class of intelligent and prominent men who were or had been in office and had taken the same oath which is administered in these halls? Look at it. You do not propose to continue the disqualification of men who served this country as foreign ministers, who left their important posts, betrayed the interests of this country in foreign lands to come back and join the Rebellion; you do not propose to exclude from the benefit of this act those who sat upon the bench and doffed the judicial ermine to take part in the Rebellion; and if such men are not to be disfranchised, why disfranchise the common run of the congressmen, whose guilt is certainly not greater, if it be as great? Can you tell me? Is it wise even to incur the suspicion of making an exception merely for the sake of excluding somebody, when no possible good can be accomplished by it, and when you can thus only increase the number of men incited to discontent and mischief by small and unnecessary degradations?

And now as to the original conspirators, what has become of them? Some of them are dead; and as to those who are still living, I ask you, sir, are they not dead also? Look at Jefferson Davis himself. What if you exclude even him—and certainly our feelings

would naturally impel us to do so; but let our reason speak—what if you exclude even him? Would you not give him an importance which otherwise he never would possess, by making people believe that you are even occupying your minds enough with him to make him an exception to an act of generous wisdom? Truly to refrain from making an act of amnesty general on account of the original conspirators, candidly speaking, I would not consider worth while. I would not leave them the pitiable distinction of not being pardoned. Your very generosity will be to them the source of the bitterest disappointment. As long as they are excluded, they may still find some satisfaction in the delusion of being considered men of dangerous importance. Their very disabilities they look upon to-day as a recognition of their power. They may still make themselves and others believe that, were the Southern people only left free in their choice, they would eagerly raise them again to the highest honors.

But you relieve them of their exclusion, and they will at once become conscious of their nothingness, a nothingness most glaringly conspicuous then, for you will have drawn away the veil that has concealed it. I suspect that gentlemen on the Democratic side of the House, whom they would consider their political friends, would be filled with dismay at the mere thought of their reappearance among them. If there is anything that could prevent them from voting for universal amnesty, it might be the fear, if they entertained it at all, of seeing Jefferson Davis once more a senator of the United States.

But more than that: you relieve that class of per-

sons, those old misleaders, of their exclusion, and they will soon discover that the people whom they once plunged into disaster and ruin have in the meantime grown, if not as wise as they ought to be, certainly too wise to put their destinies in the hands of the same men again. I hope, therefore, you will not strip this measure of the merit of being a general amnesty to spare the original plotters this most salutary experience.

So much for the first exception. Now to the second. It excludes from the benefit of this act all those who were officers of the Army or of the Navy and then joined the Rebellion. Why exclude that class of persons? I have heard the reason very frequently stated upon the floor of the Senate; it is because those men had been educated at the public expense, and their turning against the Government was therefore an act of peculiar faithlessness and black ingratitude. That might appear a very strong argument at first sight. But I ask you was it not one of the very first acts of this administration to appoint one of the most prominent and conspicuous of that class to a very lucrative and respectable public office? I mean General Longstreet. He had obtained his military education at the expense of the American people. He was one of the wards, one of the pets of the American Republic, and then he turned against it as a rebel. Whatever of faithlessness, whatever of black ingratitude there is in such conduct, it was in his; and yet, in spite of all this, the President nominated him for an office, and your consent, senators, made him a public dignitary. Why did you break the rule in his case? I will not say that you did it because he had become a Republican, for I

am far from attributing any mere partisan motive to your action. No; you did it because his conduct after the close of hostilities had been that of a well-disposed and law-abiding citizen. Thus, then, the rule which you, senators, have established for your own conduct is simply this: you will, in the case of officers of the Army or the Navy, waive the charge of peculiar faithlessness and ingratitude if the persons in question after the War had become law-abiding and well-disposed citizens. Well, is it not a fact universally recognized, and I believe entirely uncontradicted, that of all classes of men connected with the Rebellion there is not one whose conduct since the close of the War has been so unexceptionable, and in a great many instances so beneficial in its influence upon Southern society, as the officers of the Army and the Navy, especially those who before the War had been members of our regular establishments? Why, then, except them from this act of amnesty? If you take subsequent good conduct into account at all, these men are the very last who as a class ought to be excluded. And would it not be well to encourage them in well-doing by a sign on your part that they are not to be looked upon as outcasts whose influence is not desired, even when they are inclined to use it for the promotion of the common welfare?

The third class excluded consists of those who were members of State conventions, and in those State conventions voted for ordinances of secession. If we may judge from the words which fell from the lips of the senator from Indiana, they were the objects of his particular displeasure. Why this? Here we have a large number of men of local standing who in some

cases may have been leaders on a small scale, but most of whom were drawn into the whirl of the revolutionary movement just like the rest of the Southern population. If you accept the proposition that it will be well and wise to permit the intelligence of the country to participate in the management of the public business, the exclusion of just these people will appear especially inappropriate, because their local influence might be made peculiarly beneficial; and if you exclude these persons, whose number is considerable, you tell just that class of people whose co-operation might be made most valuable that their co-operation is not wanted, for the reason that, according to the meaning and intent of your system of disabilities, public affairs are no business of theirs. You object that they are more guilty than the rest. Suppose they are —and in many cases I am sure they are only apparently so—but if they were not guilty of any wrong, they would need no amnesty. Amnesty is made for those who bear a certain degree of guilt. Or would you indulge here in the solemn farce of giving pardon only to those who are presumably innocent? You grant your amnesty that it may bear good fruit; and if you do it for that purpose, then do not diminish the good fruit it may bear by leaving unplanted the most promising soil upon which it may grow.

A few words now about the second section of the bill before you, which imposes upon those who desire to have the benefit of amnesty the duty of taking an oath to support the Constitution before some public officer, that oath to be registered, the list to be laid before Congress and to be preserved in the office of the Secretary of State. Sir, I ask you, can you or any-

one tell me what practical good is to be accomplished by a provision like this? You may say that the taking of another oath will do nobody any harm. Probably not; but can you tell me, in the name of common sense, what harm in this case the taking of that oath will prevent? Or have we read the history of the world in vain, that we should not know yet how little political oaths are worth to improve the mortality of a people or to secure the stability of a government? And what do you mean to accomplish by making up and preserving your lists of pardoned persons? Can they be of any possible advantage to the country in any way? Why, then, load down an act like this with such useless circumstance, while, as an act of grace and wisdom, it certainly ought to be as straightforward and simple as possible?

Let me now in a few words once more sum up the whole meaning of the question which we are now engaged in discussing. No candid man can deny that our system of political disabilities is in no way calculated to protect the rights or the property or the life or the liberty of any living man, or in any way practically to prevent the evil-disposed from doing mischief. Why do you think of granting any amnesty at all? Is it not to produce on the popular mind in the South a conciliatory effect, to quicken the germs of good intentions, to encourage those who can exert a beneficial influence, to remove the pretexts of ill-feeling and animosity, and to aid in securing to the Southern States the blessings of good and honest government? If that is not your design, what can it be?

But if it be this, if you really do desire to produce such moral effects, then I entreat you also to consider

what moral means you have to employ in order to bring forth those moral effects you contemplate. If an act of generous statesmanship, or of statesman-like generosity, is to bear full fruit, it should give not as little as possible, but it should give as much as possible. You must not do things by halves if you want to produce whole results. You must not expose yourself to the suspicion of a narrow-minded desire to pinch off the size of your gift wherever there is a chance for it, as if you were afraid you could by any possibility give too much, when giving more would benefit the country more, and when giving less would detract from the beneficent effect of that which you do give.

Let me tell you it is the experience of all civilized nations the world over, when an amnesty is to be granted at all, the completest amnesty is always the best. Any limitation you may impose, however plausible it may seem at first sight, will be calculated to take away much of the virtue of that which is granted. I entreat you, then, in the name of the accumulated experience of history, let there be an end of these bitter and useless and disturbing questions; let the books be finally closed, and when the subject is forever dismissed from our discussions and our minds, we shall feel as much relieved as those who are relieved of their political disabilities.

Sir, I have to say a few words about an accusation which has been brought against those who speak in favor of universal amnesty. It is the accusation resorted to, in default of more solid argument, that those who advise amnesty, especially universal amnesty, do so because they have fallen in love with the rebels.

No, sir, it is not merely for the rebels I plead. We are asked, Shall the Rebellion go entirely unpunished? No, sir, it shall not. Neither do I think that the Rebellion has gone entirely unpunished. I ask you, had the rebels nothing to lose but their lives and their offices? Look at it. There was a proud and arrogant aristocracy, planting their feet on the necks of the laboring people, and pretending to be the born rulers of this great republic. They looked down, not only upon their slaves, but also upon the people of the North, with the haughty contempt of self-asserting superiority. When their pretensions to rule us all were first successfully disputed, they resolved to destroy this republic, and to build up on the corner stone of slavery an empire of their own in which they could hold absolute sway. They made the attempt with the most overweeningly confident expectation of certain victory. Then came the Civil War, and after four years of struggle their whole power and pride lay shivered to atoms at our feet, their sons dead by tens of thousands on the battle-fields of this country, their fields and their homes devastated, their fortunes destroyed; and more than that, the whole social system in which they had their being, with all their hopes and pride, utterly wiped out; slavery forever abolished, and the slaves themselves created a political power before which they had to bow their heads, and they, broken, ruined, helpless, and hopeless in the dust before those upon whom they had so haughtily looked down as their vassals and inferiors. Sir, can it be said that the Rebellion has gone entirely unpunished?

You may object that the loyal people, too, were subjected to terrible sufferings; that their sons, too,

were slaughtered by tens of thousands; that the mourning of countless widows and orphans is still darkening our land; that we are groaning under terrible burdens which the Rebellion has loaded upon us, and that therefore part of the punishment has fallen upon the innocent. And it is certainly true.

But look at the difference. We issued from this great conflict as conquerors; upon the graves of our slain we could lay the wreath of victory; our widows and orphans, while mourning the loss of their dearest, still remember with proud exultation that the blood of their husbands and fathers was not spilled in vain; that it flowed for the greatest and holiest and at the same time the most victorious of causes; and when our people labor in the sweat of their brow to pay the debt which the Rebellion has loaded upon us, they do it with the proud consciousness that the heavy price they have paid is infinitely overbalanced by the value of the results they have gained: slavery abolished; the great American Republic purified of her foulest stain; the American people no longer a people of masters and slaves, but a people of equal citizens; the most dangerous element of disturbance and disintegration wiped out from among us; this country put upon the course of harmonious development, greater, more beautiful, mightier than ever in its self-conscious power. And thus, whatever losses, whatever sacrifices, whatever sufferings we may have endured, they appear before us in a blaze of glory.

But how do the Southern people stand there? All *they* have sacrificed, all *they* have lost, all the blood *they* have spilled, all the desolation of *their* homes, all the distress that stares *them* in the face, all the wreck

and ruin *they* see around them—all for nothing, all for a wicked folly, all for a disastrous infatuation; the very graves of their slain nothing but monuments of a shadowy delusion; all their former hopes vanished forever; and the very magniloquence which some of their leaders are still indulging in, nothing but a mocking illustration of their utter discomfiture! Ah, sir, if ever human efforts broke down in irretrievable disaster, if ever human pride was humiliated to the dust, if ever human hopes were turned into despair, there you behold them.

You may say that they deserved it all. Yes, but surely, sir, you cannot say that the Rebellion has gone entirely unpunished. Nor will the senator from Indiana, with all his declamation (and I am sorry not now to see him before me), make any sane man believe that had no political disabilities ever been imposed, the history of the Rebellion, as long as the memory of men retains the recollection of the great story, will ever encourage a future generation to rebel again, or that if even this great example of disaster should fail to extinguish the spirit of rebellion, his little scarecrow of exclusion from office will be more than a thing to be laughed at by little boys.

And yet, sir, it is certainly true that after the close of the War we treated the rebels with a generosity never excelled in the history of the world. And thus, in advising a general amnesty it is not merely for the rebels I plead. But I plead for the good of the country, which in its best interests will be benefited by amnesty just as much as the rebels are benefited themselves, if not more.

Nay, sir, I plead also for the colored people of the

South, whose path will be smoothed by a measure calculated to assuage some of the prejudices and to disarm some of the bitternesses which still confront them; and I am sure that nothing better could happen to them, nothing could be more apt to make the growth of good feeling between them and the former master-class easier, than the destruction of a system which, by giving them a political superiority, endangers their peaceable enjoyment of equal rights.

And I may say to my honorable friend from Massachusetts [Mr. Sumner], who knows well how highly I esteem him, and whom I sincerely honor for his solicitude concerning the welfare of the lowly, that my desire to see their wrongs righted is no less sincere and no less unhampered by any traditional prejudice than his; although I will confess that as to the constitutional means to that end we may sometimes seriously differ; but I cannot refrain from expressing my regret that this measure should be loaded with anything that is not strictly germane to it, knowing as we both do that the amendment * he has proposed cannot secure the necessary two-thirds vote in at least one of the Houses of Congress, and that therefore it will be calculated to involve this measure also in the danger of common failure. I repeat, it is not merely for the rebels I plead; it is for the whole American people, for there is not a citizen in the land whose true interests, rightly understood, are not largely concerned in every measure affecting the peace and welfare of any State of this Union.

* Mr. Sumner had offered to the bill an amendment of several sections, the purpose of which was to secure equal civil rights for the colored race.

Believe me, senators, the statesmanship which this period of our history demands is not exhausted by high-sounding declamation about the greatness of the crime of rebellion, and fearful predictions as to what is going to happen unless the rebels are punished with sufficient severity. We have heard so much of this from some gentlemen, and so little else, that the inquiry naturally suggests itself whether this is the whole compass, the be-all and the end-all of their political wisdom and their political virtue; whether it is really their opinion that the people of the South may be plundered with impunity by rascals in power, that the substance of those States may be wasted, that their credit may be ruined, that their prosperity may be blighted, that their future may be blasted, that the poison of bad feeling may still be kept working where we might do something to assuage its effects; that the people may lose more and more their faith in the efficiency of self-government and of republican institutions; that all this may happen, and we look on complacently, if we can only continue to keep a thorn in the side of our late enemies, and to demonstrate again and again, as the senator from Indiana has it, our disapprobation of the crime of rebellion?

Sir, such appeals as these, which we have heard so frequently, may be well apt to tickle the ear of an unthinking multitude. But unless I am grievously in error, the people of the United States are a multitude not unthinking. The American people are fast becoming aware that, great as the crime of rebellion is, there are other villainies beside it; that much as it may deserve punishment there are other evils flagrant

enough to demand energetic correction; that the remedy for such evils does, after all, not consist in the maintenance of political disabilities, and that it would be well to look behind those vociferous demonstrations of exclusive and austere patriotism to see what abuses and faults of policy they are to cover, and what rotten sores they are to disguise. The American people are fast beginning to perceive that good and honest government in the South, as well as throughout the whole country, restoring a measurable degree of confidence and contentment, will do infinitely more to revive true loyalty and a healthy national spirit, than keeping alive the resentments of the past by a useless degradation of certain classes of persons; and that we shall fail to do our duty unless we use every means to contribute our share to that end. And those, I apprehend, expose themselves to grievous disappointment who still think that, by dinning again and again in the ears of the people the old battle-cries of the Civil War, they can befog the popular mind as to the true requirements of the times, and overawe and terrorize the public sentiment of the country.

Sir, I am coming to a close. One word more. We have heard protests here against amnesty as a measure intended to make us forget the past and to obscure and confuse our moral appreciation of the great events of our history. No, sir; neither would I have the past forgotten, with its great experiences and teachings. Let the memory of the grand uprising for the integrity of the republic; let those heroic deeds and sacrifices before which the power of slavery crumbled into dust, be forever held in proud and sacred remembrance by the American people. Let it never be forgotten, as

I am sure it never can be forgotten, that the American Union, supported by her faithful children, can never be undermined by any conspiracy ever so daring, nor overthrown by any array of enemies ever so formidable. Let the great achievements of our struggle for national existence be forever a source of lofty inspiration to our children and children's children.

But surely, sir, I think no generous resolution on our part will mar the luster of those memories, nor will it obliterate from the Southern mind the overwhelming experience that he who raises his hand against the majesty of this republic is doomed to disastrous humiliation and ruin. I would not have it forgotten; and, indeed, that experience is so indelibly written upon the Southern country that nothing can wipe it out.

But, sir, as the people of the North and of the South must live together as one people, and as they must be bound together by the bonds of a common national feeling, I ask you, will it not be well for us so to act that the history of our great civil conflict, which cannot be forgotten, can never be remembered by Southern men without finding in its closing chapter this irresistible assurance: that we, their conquerors, meant to be, and were after all, not their enemies, but their friends? When the Southern people con over the distressing catalogue of the misfortunes they have brought upon themselves, will it not be well, will it not be "devoutly to be wished" for our common future, if at the end of that catalogue they find an act which will force every fair-minded man in the South to say of the Northern people, "When we were at war they inflicted upon us the severities of war; but

when the contest had closed and they found us prostrate before them, grievously suffering, surrounded by the most perplexing difficulties and on the brink of new disasters, they promptly swept all the resentments of the past out of their way and stretched out their hands to us with the very fullest measure of generosity—anxious, eager to lift us up from our prostration?"

Sir, will not this do something to dispel those mists of error and prejudice which are still clouding the Southern mind? I ask again, will it not be well to add to the sad memories of the past which forever will live in their minds, this cheering experience, so apt to prepare them for the harmony of a better and common future?

No, sir; I would not have the past forgotten, but I would have its history completed and crowned by an act most worthy of a great, noble, and wise people. By all the means which we have in our hands, I would make even those who have sinned against this republic see in its flag, not the symbol of their lasting degradation, but of rights equal to all; I would make them feel in their hearts that in its good and evil fortunes their rights and interests are bound up just as ours are, and that therefore its peace, its welfare, its honor, and its greatness may and ought to be as dear to them as they are to us.

I do not, indeed, indulge in the delusion that this act alone will remedy all the evils which we now deplore. No, it will not; but it will be a powerful appeal to the very best instincts and impulses of human nature; it will, like a warm ray of sunshine in springtime, quicken and call to light the germs of good

intention wherever they exist; it will give new courage, confidence, and inspiration to the well-disposed; it will weaken the power of the mischievous, by stripping off their pretexts and exposing in their nakedness the wicked designs they still may cherish; it will light anew the beneficent glow of fraternal feeling and of national spirit; for, sir, your good sense as well as your heart must tell you that, when this is truly a people of citizens equal in their political rights, it will then be easier to make it also a people of brothers.

# *FORENSIC ORATORY.*

## JEREMIAH S. BLACK.

*Born 1810. Died 1883.*

## THE RIGHT TO TRIAL BY JURY—EX-PARTE MILLIGAN.

[The circumstances which gave rise to the case in which this argument was made were briefly as follows: In October, 1864, Lamdin P. Milligan was arrested by order of General A. P. Hovey, commanding the military district of Indiana, and tried before a military commission at Indianapolis. He was charged with joining and aiding a secret society known as the "Order of American Knights or Sons of Liberty," for the purpose of overthrowing the Government, holding communication with the enemy, conspiring to seize munitions of war, and liberating prisoners. An objection by Milligan to the authority of the commission to try him was overruled, he was found guilty and sentenced to be hanged. Several days before the sentence was to have been executed he filed a petition in the United States Circuit Court setting forth that he had never been in the military service of the United States, nor within the limits of any State engaged in rebellion, but for twenty years had been an inhabitant and citizen of Indiana. He denied, therefore, the jurisdiction of the commission and prayed that he should either be turned over to the proper civil tribunal, or discharged altogether. At the hearing of the petition, the judges of the Circuit Court were divided in opinion on three questions: (1) should the writ of *habeas corpus* be issued? (2) should Milligan be discharged? (3) did the commission have jurisdiction? These questions were then certified to the Supreme Court of the United States and, with a further question of jurisdiction, were the points argued at the hearing which took place in the December Term, 1866. Associated in the case with Judge Black were James A. Garfield, David Dudley Field, and J. E. McDonald; assisting the Attorney-General Mr. Speed, were Benjamin F. Butler and

Henry Stanbery. The court decided that the writ should issue and that Milligan was entitled to his discharge, on the ground that the military commission was illegal and without jurisdiction.

The importance of the case and the questions involved will be seen from the following excerpt, taken from *Great Speeches by Great Lawyers*, p. 482. "This defense of the right of trial by jury is a marvelous display of Judge Black's extraordinary power and abilities as a lawyer, and the enduring importance of the subject will render it interesting as long as the individual liberty of the citizen shall be preserved as a part of the framework of human government. It was delivered during a period of great political excitement, before the passions and prejudices stored up by the greatest civil war in history had been allayed. It affected the destiny of one whose crimes were aimed at the destruction of the Government itself, and the public desire to see the sentence of the commission executed was very general. Since the anger and excitement of the times have passed away, and the great questions involved in this case present themselves in their true aspect and importance, the argument of Judge Black becomes conspicuous as a defense of the dearest right of the citizen, and stands as a monument to which the eyes of mankind will turn in the hour when their rights are assailed. It will be admired by the student as a comprehensive exposition of the fundamental principles upon which the law of civil liberty depends, and the causes which led to their perfection and adoption under our system. The subject loses the dry, tedious detail of a legal argument, and becomes animated with the spirit and genius of the speaker, while presenting a review of the struggle between freedom and arbitrary power which the world has witnessed for centuries. It will be considered precious by persons in every walk of life, for it defines in a masterly manner the natural rights guaranteed to each individual by the organic law, and its importance in this respect clothes it with the heritage of immortality."

The speech is reprinted, through the courtesy of the Hon. Chauncey F. Black, from the *Essays and Speeches of Jeremiah S. Black*, published by Messrs. D. Appleton and Company.]

*May it please your Honors:*

I am not afraid that you will underrate the importance of this case. It concerns the rights of the whole people. Such questions have generally been settled

by arms. But since the beginning of the world no battle has ever been lost or won upon which the liberties of a nation were so distinctly staked as they are on the results of this argument. The pen that writes the judgment of the court will be mightier for good or for evil than any sword that ever was wielded by mortal arm.

As might be expected from the nature of the subject, it has been a good deal discussed elsewhere, in legislative bodies, in public assemblies, and in the newspaper press of the country. But there it has been mingled with interests and feelings not very friendly to a correct conclusion. Here we are in a higher atmosphere, where no passion can disturb the judgment or shake the even balance in which the scales of reason are held. Here it is purely a judicial question; and I can speak for my colleagues as well as myself when I say that we have no thought to suggest which we do not suppose to be a fair element in the strictly legal judgment which you are required to make up.

In performing the duty assigned to me in the case, I shall necessarily refer to the mere rudiments of constitutional law; to the most commonplace topics of history, and to those plain rules of justice and right which pervade all our institutions. I beg your honors to believe that this is not done because I think that the court, or any member of it, is less familiar with these things than I am, or less sensible of their value; but simply and only because, according to my view of the subject, there is absolutely no other way of dealing with it. If the fundamental principles of American liberty are attacked, and we are driven be-

hind the inner walls of the Constitution to defend them, we can repel the assault only with those same old weapons which our ancestors used a hundred years ago. You must not think the worse of our armor because it happens to be old-fashioned and looks a little rusty from long disuse.

The case before you presents but a single point, and that an exceedingly plain one. It is not encumbered with any of those vexed questions that might be expected to arise out of a great war. You are not called upon to decide what kind of rule a military commander may impose upon the inhabitants of a hostile country which he occupies as a conqueror, or what punishment he may inflict upon the soldiers of his own army or the followers of his camp; or yet how he may deal with civilians in a beleaguered city or other place in a state of actual siege, which he is required to defend against a public enemy. This contest covers no such ground as that. The men whose acts we complain of erected themselves into a tribunal for the trial and punishment of citizens who were connected in no way whatever with the Army or Navy. And this they did in the midst of a community whose social and legal organization had never been disturbed by any war or insurrection, where the courts were wide open, where judicial process was executed every day without interruption, and where all the civil authorities, both State and national, were in full exercise of their functions.

My clients * were dragged before this strange tribunal, and, after a proceeding which it would be mere mockery to call a trial, they were ordered to be hung.

* Two other men were arrested with Milligan and tried and convicted at the same time.

The charge against them was put into writing and is found on this record, but you will not be able to decipher its meaning. The relators were not accused of treason; for no act is imputed to them which, if true, would come within the definition of that crime. It was not conspiracy under the act of 1861; for all concerned in this business must have known that conspiracy was not a capital offense. If the commissioners were able to read English, they could not help but see that it was made punishable, even by fine and imprisonment, only upon condition that the parties should first be convicted before a Circuit or District Court of the United States. The Judge-Advocate must have meant to charge them with some offense unknown to the laws, which he chose to make capital by legislation of his own, and the commissioners were so profoundly ignorant as to think that the legal innocence of the parties made no difference in the case. I do not say, what Sir James Mackintosh said of a similar proceeding, that the trial was a mere conspiracy to commit willful murder upon three innocent men. The commissioners are not on trial; they are absent and undefended; and they are entitled to the benefit of that charity which presumes them to be wholly unacquainted with the first principles of natural justice, and quite unable to comprehend either the law or the facts of a criminal cause.

Keeping the character of the charges in mind, let us come at once to the simple question upon which the court below divided in opinion: Had the commissioners jurisdiction—were they invested with legal authority to try the relators and put them to death for the offense of which they were accused? We answer,

No; and therefore the whole proceeding, from beginning to end, was utterly null and void. On the other hand, it is absolutely necessary for those who oppose us to assert, and they do assert, that the commissioners had complete legal jurisdiction, both of the subject-matter and of the parties, so that their judgment upon the law and the facts is absolutely conclusive and binding, not subject to correction, nor open to inquiry in any court whatever. Of these two opposite views, you must adopt one or the other; for there is no middle ground on which you can possibly stand.

I need not say (for it is the law of the horn-books) that where a court (whatever may be its power in other respects) presumes to try a man for an offense of which it has no right to take judicial cognizance, all its proceedings in that case are null and void. If the party is acquitted, he cannot plead the acquittal afterward in bar of another prosecution; if he is found guilty and sentenced, he is entitled to be relieved from the punishment. If a Circuit Court of the United States should undertake to try a party for an offense clearly within the exclusive jurisdiction of the State courts, the judgment could have no effect. If a county court in the interior of a State should arrest an officer of the Federal navy, try him, and order him to be hung for some offense against the law of nations, committed upon the high seas or in a foreign port, nobody would treat such a judgment otherwise than with mere derision. The Federal courts have jurisdiction to try offenses against the laws of the United States, and the authority of the State courts is confined to the punishment of acts which are made penal by State laws. It follows that where the accusation does not

amount to an offense against the law of either the State or Federal Government, no court can have jurisdiction to try it. Suppose, for example, that the judges of this court should organize themselves into a tribunal to try a man for witchcraft, or heresy, or treason against the Confederate States of America, would anybody say that your judgment had the least validity?

I care not, therefore, whether the relators were intended to be charged with treason or conspiracy or with some offense of which the law takes no notice. Either or any way, the men who undertook to try them had no jurisdiction of the subject-matter.

Nor had they jurisdiction of the parties. It is not pretended that this was a case of impeachment, or a case arising in the land or naval forces. It is either nothing at all, or else it is a simple crime against the United States, committed by private individuals not in the public service, civil or military. Persons standing in that relation to the Government are answerable for the offenses which they may commit only to the civil courts of the country. So says the Constitution, as we read it; and the act of Congress of March 3, 1863, which was passed with express reference to persons precisely in the situation of these men, declares that they shall be delivered up for trial to the proper civil authorities.

There being no jurisdiction of the subject matter or of the parties, you are bound to relieve the petitioners. It is as much the duty of a judge to protect the innocent as it is to punish the guilty. Suppose that the secretary of some department should take it into his head to establish an ecclesiastical tribunal here in the city of Washington, composed of clergymen "organ-

ized to convict" everybody who prays after a fashion inconsistent with the supposed safety of the State. If he would select the members with a proper regard to the *odium theologicum*, I think I could insure him a commission that would hang every man and woman who might be brought before it. But would you, the judges of the land, stand by and see their sentences executed? No; you would interpose your writ of prohibition, your *habeas corpus*, or any other process that might be at your command, between them and their victims. And you would do that for precisely the reason which requires your intervention here: because religious errors, like political errors, are not crimes which anybody in this country has jurisdiction to punish, and because ecclesiastical commissions, like military commissions, are not among the judicial institutions of this people. Our fathers long ago cast them both aside among the rubbish of the Dark Ages; and they intended that we, their children, should know them only that we might blush and shudder at the shameless injustice and the brutal cruelties which they were allowed to perpetrate in other times and other countries.

But our friends on the other side are not at all impressed with these views. Their brief corresponds exactly with the doctrines propounded by the Attorney-General, in a very elaborate official paper which he published last July, upon this same subject. He then avowed it to be his settled and deliberate opinion that the military might "take and kill, try and execute" (I use his own words) persons who had no sort of connection with the Army or Navy. And, though this be done in

the face of the open courts, the judicial authority, according to him, are utterly powerless to prevent the slaughter which may thus be carried on. That is the thesis which the Attorney-General and his assistant counselors are to maintain this day, if they can maintain it, with all the power of their artful eloquence.

We, on the other hand, submit that a person not in the military or naval service cannot be punished at all until he has had a fair, open, public trial before an impartial jury, in an ordained and established court, to which the jurisdiction has been given by law to try him for that specific offense. There is our proposition. Between the ground we take and the ground they occupy there is and there can be no compromise. It is one way or the other.

Our proposition ought to be received as true without any argument to support it; because if that, or something precisely equivalent to it, be not a part of our law, this is not, what we have always supposed it to be, a free country. Nevertheless, I take upon myself the burden of showing affirmatively not only that it is true, but that it is immovably fixed in the very framework of the Government, so that it is utterly impossible to detach it without destroying the whole political structure under which we live. By removing it you destroy the life of this nation as completely as you would destroy the life of an individual by cutting the heart out of his body. I proceed to the proof.

In the first place, the self-evident truth will not be denied that the trial and punishment of an offender against the Government is the exercise of judicial authority. That is a kind of authority which would be lost by being diffused among the masses of the peo-

ple. A judge would be no judge if everybody else were a judge as well as he. Therefore in every society, however rude or however perfect its organization, the judicial authority is always committed to the hands of particular persons, who are trusted to use it wisely and well; and their authority is exclusive; they cannot share it with others to whom it has not been committed. Where, then, is the judicial power in this country? Who are the depositaries of it here? The Federal Constitution answers that question in very plain words, by declaring that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish." Congress *has*, from time to time, ordained and established certain inferior courts; and in them, together with the one Supreme Court to which they are subordinate, is vested all the judicial power, properly so called, which the United States can lawfully exercise. That was the compact made with the General Government at the time it was created. The States and the people agreed to bestow upon that Government a certain portion of the judicial power, which otherwise would have remained in their own hands, but gave it on a solemn trust, and coupled the grant of it with this express condition that it should never be used in any way but one; that is, by means of ordained and established courts. Any person, therefore, who undertakes to exercise judicial power in any other way not only violates the law of the land, but he treacherously tramples upon the most important part of that sacred covenant which holds these States together.

May it please your honors, you know, and I know,

and everybody else knows, that it was the intention of the men who founded this Republic to put the life, liberty, and property of every person in it under the protection of a regular and permanent judiciary, separate, apart, distinct, from all other branches of the Government, whose sole and exclusive business it should be to distribute justice among the people according to the wants of each individual. It was to consist of courts, always open to the complaint of the injured, and always ready to hear criminal accusations when founded upon probable cause; surrounded with all the machinery necessary for the investigation of truth, and clothed with sufficient power to carry their decrees into execution. In these courts it was expected that judges would sit who would be upright, honest, and sober men, learned in the laws of their country, and lovers of justice from the habitual practice of that virtue; independent, because their salaries could not be reduced; and free from party passion, because their tenure of office was for life. Although this would place them above the clamors of the mere mob and beyond the reach of Executive influence, it was not intended that they should be wholly irresponsible. For any willful or corrupt violation of their duty, they are liable to be impeached; and they cannot escape the control of an enlightened public opinion, for they must sit with open doors, listen to full discussion, and give satisfactory reasons for the judgments they pronounce. In ordinary tranquil times the citizen might feel himself safe under a judicial system so organized.

But our wise forefathers knew that tranquillity was not to be always anticipated in a republic; the spirit

of a free people is often turbulent. They expected that strife would rise between classes and sections, and even civil war might come, and they supposed that in such times judges themselves might not be safely trusted in criminal cases—especially in prosecutions for political offenses, where the whole power of the Executive is arrayed against the accused party. All history proves that public officers of any government, when they are engaged in a severe struggle to retain their places, become bitter and ferocious, and hate those who oppose them, even in the most legitimate way, with a rancor which they never exhibit toward actual crime. This kind of malignity vents itself in prosecutions for political offenses, sedition, conspiracy, libel, and treason, and the charges are generally founded upon the information of hireling spies and common delators, who make merchandise of their oaths, and trade in the blood of their fellow-men. During the civil commotions in England, which lasted from the beginning of the reign of Charles I. to the revolution of 1688, the best men and the purest patriots that ever lived fell by the hand of the public executioner. Judges were made the instruments for inflicting the most merciless sentences on men the latchet of whose shoes the ministers that prosecuted them were not worthy to stoop down and unloose. Let me say here that nothing has occurred in the history of this country to justify the doubt of judicial integrity which our forefathers seem to have felt. On the contrary, the highest compliment that has ever been paid to the American bench is embodied in this simple fact: that if the Executive officers of this Govern-

ment have ever desired to take away the life or the liberty of a citizen contrary to law, they have not come into the courts to get it done; they have gone outside of the courts, and stepped over the Constitution, and created their own tribunals, composed of men whose gross ignorance and supple subservience could always be relied on for those base uses to which no judge would ever lend himself. But the framers of the Constitution could act only upon the experience of that country whose history they knew most about, and there they saw the brutal ferocity of Jeffreys and Scroggs, the timidity of Guilford, and the base venality of such men as Saunders and Wright. It seemed necessary, therefore, not only to make the judiciary as perfect as possible, but to give the citizen yet another shield against the wrath and malice of his Government. To that end they could think of no better provision than a public trial before an impartial jury.

I do not assert that the jury trial is an infallible mode of ascertaining truth. Like everything human, it has its imperfections. I only say that it is the best protection for innocence, and the surest mode of punishing guilt, that has yet been discovered. It has borne the test of a longer experience, and borne it better than any other legal institution that ever existed among men. England owes more of her freedom, her grandeur, and her prosperity to that than to all other causes put together. It has had the approbation not only of those who lived under it, but of great thinkers who looked at it calmly from a distance, and judged it impartially: Montesquieu and De Tocqueville speak of it with an admiration as rapturous as Coke and

Blackstone. Within the present century, the most enlightened states of Continental Europe have transplanted it into their countries; and no people ever adopted it once and were afterward willing to part with it. It was only in 1830 that an interference with it in Belgium provoked a successful insurrection which permanently divided one kingdom into two. In the same year, the revolution of the Barricades gave the right of trial by jury to every Frenchman.

Those colonists of this country who came from the British Islands brought this institution with them, and they regarded it as the most precious part of their inheritance. The immigrants from other places, where trial by jury did not exist, became equally attached to it as soon as they understood what it was. There was no subject upon which all the inhabitants of the country were more perfectly unanimous than they were in their determination to maintain this great right unimpaired. An attempt was made to set it aside, and substitute military trials in its place, by Lord Dunmore in Virginia, and General Gage in Massachusetts, accompanied with the excuse, which has been repeated so often in late days, namely, that rebellion had made it necessary; but it excited intense popular anger, and every colony, from New Hampshire to Georgia, made common cause with the two whose rights had been especially invaded. Subsequently the Continental Congress thundered it into the ear of the world, as an unendurable outrage, sufficient to justify universal insurrection against the authority of the Government which had allowed it to be done.

If the men who fought out our revolutionary contest, when they came to frame a government for them-

selves and their posterity, had failed to insert a provision making the trial by jury perpetual and universal, they would have covered themselves all over with infamy as with a garment; for they would have proved themselves basely recreant to the principles of that very liberty of which they professed to be the special champions. But they were guilty of no such treachery. They not only took care of the trial by jury, but they regulated every step to be taken in a criminal trial. They knew very well that no people could be free under a government which had the power to punish without restraint. Hamilton expressed in *The Federalist* the universal sentiment of his time when he said that the arbitrary power of conviction and punishment for pretended offenses had been the great engine of despotism in all ages and all countries. The existence of such a power is utterly incompatible with freedom. The difference between a master and his slave consists only in this: that the master holds the lash in his hands, and he may use it without legal restraint, while the naked back of the slave is bound to take whatever is laid on it.

But our fathers were not absurd enough to put unlimited power in the hands of the ruler, and take away the protection of law from the rights of individuals. It was not thus that they meant "to secure the blessings of liberty to themselves and their posterity." They determined that not one drop of the blood which had been shed on the other side of the Atlantic, during seven centuries of contest with arbitrary power, should sink into the ground; but the fruits of every popular victory should be garnered up in this new government. Of all the great rights already won they

threw not an atom away. They went over Magna Charta, the Petition of Rights, the Bill of Rights, and the rules of the common law, and whatever was found there to favor individual liberty they carefully inserted in their own system, improved by clearer expression, strengthened by heavier sanctions, and extended by a more universal application. They put all those provisions into the organic law, so that neither tyranny in the Executive nor party rage in the Legislature could change them without destroying the Government itself.

Look for a moment at the particulars, and see how carefully everything connected with the administration of punitive justice is guarded.

1. No *ex post facto* law shall be passed. No man shall be answerable criminally for any act which was not defined and made punishable as a crime by some law in force at the time when the act was done.

2. For an act which is criminal he cannot be arrested without a judicial warrant founded on proof of probable cause. He shall not be kidnaped and shut up on the mere report of some base spy, who gathers the materials of a false accusation by crawling into his house and listening at the key-hole of his chamber door.

3. He shall not be compelled to testify against himself. He may be examined before he is committed, and tell his own story if he pleases; but the rack shall be put out of sight, and even his conscience shall not be tortured; nor shall his unpublished papers be used against him, as was done most wrongfully in the case of Algernon Sidney.

4. He shall be entitled to a speedy trial; not kept

in prison for an indefinite time without the opportunity of vindicating his innocence.

5. He shall be informed of the accusation, its nature, and grounds. The public accuser must put the charge into the form of a legal indictment, so that the party can meet it full in the face.

6. Even to the indictment he need not answer unless a grand jury, after hearing the evidence, shall say upon their oaths that they believe it to be true.

7. Then comes the trial, and it must be before a regular court, of competent jurisdiction ordained and established for the State and district in which the crime was committed; and this shall not be evaded by a legislative change in the district after the crime is alleged to be done.

8. His guilt or innocence shall be determined by an impartial jury. These English words are to be understood in their English sense, and they mean that the jurors shall be fairly selected by a sworn officer from among the peers of the party, residing within the local jurisdiction of the court. When they are called into the box he can purge the panel of all dishonesty, prejudice, personal enmity, and ignorance, by a certain number of peremptory challenges, and as many more challenges as he can sustain by showing reasonable cause.

9. The trial shall be public and open, that no underhand advantage may be taken. The party shall be confronted with the witnesses against him, have compulsory process for his own witnesses, and be entitled to the assistance of counsel in his defense.

10. After the evidence is heard and discussed, unless the jury shall, upon their oaths, unanimously agree to

surrender him up into the hands of the court as a guilty man, not a hair of his head can be touched by way of punishment.

11. After a verdict of guilty he is still protected. No cruel or unusual punishment shall be inflicted, nor any punishment at all, except what is annexed by the law to his offense. It cannot be doubted for a moment that, if a person convicted of an offense not capital were to be hung on the order of a judge, such judge would be guilty of murder, as plainly as if he should come down from the bench, tuck up the sleeves of his gown, and let out the prisoner's blood with his own hand.

12. After all is over, the law continues to spread its guardianship around him. Whether he is acquitted or condemned, he shall never again be molested for that offense. No man shall be twice put in jeopardy of life or limb for the same cause.

These rules apply to all criminal prosecutions. But, in addition to these, certain special regulations were required for treason—the one great political charge under which more innocent men have fallen than any other. A tyrannical government calls everybody a traitor who shows the least unwillingness to be a slave. The party in power never fails, when it can, to stretch the law on that subject by construction, so as to cover its honest and conscientious opponents. In the absence of a constitutional provision, it was justly feared that statutes might be passed which would put the lives of the most patriotic citizens at the mercy of the basest minions that skulk about under the pay of the Executive. Therefore a definition of treason was given in the fundamental law, and the legislative au-

thority could not enlarge it to serve the purpose of partisan malice. The nature and amount of evidence required to prove the crime was also prescribed, so that prejudice and enmity might have no share in the conviction. And, lastly, the punishment was so limited that the property of the party could not be confiscated, and used to reward the agents of his persecutors, or strip his family of their subsistence.

If these provisions exist in full force, unchangeable and irrepealable, then we are not hereditary bondsmen. Every citizen may safely pursue his lawful calling in the open day; and at night, if he is conscious of innocence, he may lie down in security and sleep the sound sleep of a freeman.

I say they are in force, and they will remain in force. We have not surrendered them, and we never will. If the worst comes to the worst we will look to the living God for his help, and defend our rights and the rights of our children to the last extremity. Those men who think we can be subjected and abjected to the condition of mere slaves are wholly mistaken. The great race to which we belong has not degenerated so fatally.

But how am I to prove the existence of these rights? I do not propose to do it by a long chain of legal argumentation, nor by the production of numerous books with the leaves dog-eared and the pages marked. If it depended upon judicial precedents, I think I could produce as many as might be necessary. If I claimed this freedom, under any kind of prescription, I could prove a good long possession in ourselves and those under whom we claim it. I might begin with Tacitus and show how the contest arose

in the forests of Germany more than two thousand years ago; how the rough virtues and sound common sense of that people established the right of trial by jury, and thus started on a career which has made their posterity the foremost race that ever lived in all the tide of time. The Saxons carried it to England, and were ever ready to defend it with their blood. It was crushed out by the Danish invasion; and all that they suffered of tyranny and oppression during the period of their subjugation resulted from the want of trial by jury. If that had been conceded to them, the reaction would not have taken place which drove back the Danes to their frozen homes in the North. But those ruffian sea-kings could not understand that, and the reaction came. Alfred, the greatest of revolutionary heroes, and the wisest monarch that ever sat on a throne, made the first use of his power, after the Saxons restored it, to re-establish their ancient laws. He had promised them that he would, and he was true to them, because they had been true to him. But it was not easily done; the courts were opposed to it, for it limited their power—a kind of power that everybody covets—the power to punish without regard to law. He was obliged to hang forty-four judges in one year for refusing to give his subjects a trial by jury. When the historian says that he hung them, it is not meant that he put them to death without a trial. He had them impeached before the grand council of the nation, the Wittenagemote, the Parliament of that time. During the subsequent period of Saxon domination no man on English soil was powerful enough to refuse a legal trial to the meanest peasant. If any minister or any king, in war or in peace,

had dared to punish a freeman by a tribunal of his own appointment, he would have roused the wrath of the whole population; all orders of society would have resisted it; lord and vassal, knight and squire, priest and penitent, bocman and socman, master and thrall, copyholder and villein, would have risen in one mass and burned the offender to death in his castle, or followed him in his flight and torn him to atoms. It was again trampled down by the Norman conquerors; but the evils resulting from the want of it united all classes in the effort which compelled King John to restore it by the Great Charter. Everybody is familiar with the struggles which the English people, during many generations, made for their rights with the Plantagenets, the Tudors, and the Stuarts, and which ended finally in the revolution of 1688, when the liberties of England were placed upon an impregnable basis by the Bill of Rights.

Many times the attempt was made to stretch the royal authority far enough to justify military trials; but it never had more than temporary success. Five hundred years ago Edward II. closed up a great rebellion by taking the life of its leader, the Earl of Lancaster, after trying him before a military court. Eight years later that same king, together with his lords and commons in Parliament assembled, acknowledged with shame and sorrow that the execution of Lancaster was a mere murder, because the courts were open and he might have had a legal trial. Queen Elizabeth, for sundry reasons affecting the safety of the State, ordered that certain offenders not of her army should be tried according to the law martial. But she heard the storm of popular vengeance rising,

and, haughty, imperious, self-willed as she was, she yielded the point; for she knew that upon that subject the English people would never consent to be trifled with. Strafford, as Lord-Lieutenant of Ireland, tried the Viscount Stormont before a military commission. When impeached for it, he pleaded in vain that Ireland was in a state of insurrection, that Stormont was a traitor, and the army would be undone if it could not defend itself without appealing to the civil courts. The Parliament was deaf; the king himself could not save him; he was condemned to suffer death as a traitor and a murderer. Charles I. issued commissions to divers officers for the trial of his enemies according to the course of military law. If rebellion ever was an excuse for such an act, he could surely have pleaded it; for there was scarcely a spot in his kingdom, from sea to sea, where the royal authority was not disputed by somebody. Yet the Parliament demanded in their Petition of Right, and the king was obliged to concede, that all his commissions were illegal. James II. claimed the right to suspend the operation of the penal laws—a power which the courts denied; but the experience of his predecessors taught him that he could not suspend any man's right to a trial. He could easily have convicted the seven bishops of any offense he saw fit to charge them with, if he could have selected their judges from among the mercenary creatures to whom he had given commands in his army. But this he dared not do. He was obliged to send the bishops to a jury and endure the mortification of seeing them acquitted. He, too, might have had rebellion for an excuse, if rebellion be an excuse. The conspiracy was already ripe, which a

few months afterward made him an exile and an outcast; he had reason to believe that the Prince of Orange was making his preparations on the other side of the Channel to invade the kingdom, where thousands burned to join him; nay, he pronounced the bishops guilty of rebellion by the very act for which he arrested them. He had raised an army to meet the rebellion, and he was on Hounslow Heath, reviewing the troops organized for that purpose, when he heard the great shout of joy that went up from Westminster Hall, was echoed back from Temple Bar, spread down the city and over the Thames, and rose from every vessel on the river—the simultaneous shout of two hundred thousand men for the triumph of justice and law.

If it were worth the time, I might detain you by showing how this subject was treated by the French Court of Cassation, in Geoffroy's case, under the Constitution of 1830, when a military judgment was unhesitatingly pronounced to be void, though ordered by the king, after a proclamation declaring Paris in a state of siege. *Fas est ab hoste doceri:* we may lawfully learn something from our enemies—at all events, we should blush at the thought of not being equal on such a subject to the courts of Virginia, Georgia, Mississippi, and Texas, whose decisions, my colleague, General Garfield, has read and commented on.

The truth is, that no authority exists anywhere in the world for the doctrine of the Attorney-General. No judge or jurist, no statesman or parliamentary orator, on this or the other side of the water, sustains him. Every elementary writer from Coke to Wharton is against him. All military authors, who profess to

know the duties of their profession, admit themselves to be under, not above, the laws. No book can be found in any library to justify the assertion that military tribunals may try a citizen at a place where the courts are open. When I say no book, I mean, of course, no book of acknowledged authority. I do not deny that hireling clergymen have often been found to disgrace the pulpit by trying to prove the divine right of kings and other rulers to govern as they please. It is true, also, that court sycophants and party hacks have many times written pamphlets, and perhaps large volumes, to show that those whom they serve should be allowed to work out their bloody will upon the people. No abuse of power is too flagrant to find its defenders among such servile creatures. Those butchers' dogs, that feed upon garbage and fatten upon the offal of the shambles, are always ready to bark at whatever interferes with the trade of their master.

But this case does not depend on authority. It is rather a question of fact than of law.

I prove my right to a trial by jury, just as I would prove my title to an estate if I held in my hand a solemn deed conveying it to me, coupled with undeniable evidence of long and undisturbed possession under and according to the deed. There is the charter by which we claim to hold it. It is called the Constitution of the United States. It is signed by the sacred name of George Washington, and by thirty-nine other names, only less illustrious than his. They represented every independent State then upon this continent, and each State afterward ratified their work by a separate convention of its own people. Every

State that subsequently came in acknowledged that this was the great standard by which their rights were to be measured. Every man that has ever held office in this country, from that time to this, has taken an oath that he would support and sustain it through good report and through evil. The Attorney-General himself became a party to the instrument when he laid his hand upon the Gospel of God and solemnly swore that he would give to me and every other citizen the full benefit of all it contains.

What does it contain? This among other things:

"The trial of all crimes except in cases of impeachment shall be by jury."

Again: "No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

This is not all; another article declares that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process

for the witnesses in his favor, and to have the assistance of counsel for his defense."

Is there any ambiguity there? If that does not signify that a jury trial shall be the exclusive and only means of ascertaining guilt in criminal cases, then I demand to know what words or what collocation of words in the English language would have that effect? Does this mean that a fair, open, speedy, public trial by an impartial jury shall be given only to those persons against whom no special grudge is felt by the Attorney-General, or the Judge-Advocate, or the head of a department? Shall this inestimable privilege be extended only to men whom the administration does not care to convict? Is it confined to vulgar criminals, who commit ordinary crimes against society, and shall it be denied to men who are accused of such offenses as those for which Sidney and Russell were beheaded, and Alice Lisle was hung, and Elizabeth Gaunt was burned alive, and John Bunyan was imprisoned fourteen years, and Baxter was whipped at the cart's tail, and Prynne had his ears cut off? No; the words of the Constitution are all-embracing—

"As broad and general as the casing air."

The trial of ALL crimes shall be by jury. ALL persons accused shall enjoy that privilege—and NO person shall be held to answer in any other way.

That would be sufficient without more. But there is another consideration which gives it tenfold power. It is a universal rule of construction that general words in any instrument, though they may be weakened by enumeration, are always strengthened by exceptions. Here is no attempt to enumerate the

particular cases in which men charged with criminal offenses shall be entitled to a jury trial. It is simply declared that *all* shall have it. But that is coupled with a statement of two specific exceptions: cases of impeachment, and cases arising in the land or naval forces. These exceptions strengthen the application of the general rule to all other cases. Where the law-giver himself has declared when and in what circumstances you may depart from the general rule, you shall not presume to leave that onward path for other reasons, and make different exceptions. To exceptions, the maxim is always applicable, that *expressio unius exclusio est alterius.*

But we are answered that the judgment under consideration was pronounced in time of war, and it is therefore, at least morally, excusable. There may, or there may not be something in that. I admit that the merits or demerits of any particular act, whether it involve a violation of the Constitution or not, depend upon the motives that prompted it, the time, the occasion, and all the attending circumstances. When the people of this country come to decide upon the acts of their rulers, they will take all these things into consideration. But that presents the political aspect of the case, with which, I trust, we have nothing to do here. I decline to discuss it. I would only say, in order to prevent misapprehension, that I think it is precisely in a time of war and civil commotion that we should double the guards upon the Constitution. If the sanitary regulations which defend the health of a city are ever to be relaxed, it ought certainly not to be done when pestilence is abroad. When the Mississippi shrinks within its natural channel, and creeps

lazily along the bottom, the inhabitants of the adjoining shore have no need of a dike to save them from inundation. But when the booming flood comes down from above, and swells into a volume which rises high above the plain on either side, then a crevasse in the levee becomes a most serious thing. So in peaceable and quiet times our legal rights are in little danger of being overborne; but when the wave of arbitrary power lashes itself into violence and rage, and goes surging up against the barriers which are made to confine it, then we need the whole strength of an unbroken Constitution to save us from destruction. But this is a question which properly belongs to the jurisdiction of the stump and the newspaper.

There is another *quasi*-political argument—necessity. If the law was violated because it could not be obeyed, that might be an excuse. But no absolute compulsion is pretended here. These commissioners acted, at most, under what they regarded as a moral necessity. The choice was left them to obey the law or disobey it. The disobedience was only necessary as means to an end which they thought desirable; and now they assert that though these means are unlawful and wrong, they are made right, because without them the object could not be accomplished; in other words, the end justifies the means. There you have a rule of conduct denounced by all law, human and divine, as being pernicious in policy and false in morals. See how it applies to this case. Here were three men whom it was desirable to remove out of this world, but there was no proof on which any court would take their lives; therefore it was necessary, and being necessary it was right and proper, to create an illegal

tribunal which would put them to death without proof. By the same mode of reasoning you can prove it equally right to poison them in their food or stab them in their sleep.

Nothing that the worst men ever propounded has produced so much oppression, misgovernment, and suffering as this pretense of State necessity. A great authority calls it "the tyrant's devilish plea"; and the common honesty of all mankind has branded it with everlasting infamy.

Of course, it is mere absurdity to say that these relators were necessarily deprived of their right to a fair and legal trial, for the record shows that a court of competent jurisdiction was sitting at the very time and in the same town, where justice would have been done without sale, denial, or delay. But concede, for the argument's sake, that a trial by jury was wholly impossible; admit that there was an absolute, overwhelming, imperious necessity operating so as literally to compel every act which the commissioners did: would that give their sentence of death the validity and force of a legal judgment pronounced by an ordained and established court? The question answers itself. This trial was a violation of law, and no necessity could be more than a mere excuse for those who committed it. If the commissioners were on trial for murder or conspiracy to murder, they might plead necessity if the fact were true, just as they would plead insanity or anything else to show that their guilt was not willful. But we are now considering the legal effect of their decision, and that depends on their legal authority to make it. They had no such authority; they usurped a jurisdiction which the law not only did not give them,

but expressly forbade them to exercise, and it follows that their act is void, whatever may have been the real or supposed excuse for it.

If these commissioners, instead of aiming at the life and liberty of the relators, had attempted to deprive them of their property by a sentence of confiscation, would any court in Christendom declare that such a sentence divested the title? Or would a person claiming under the sentence make his right any better by showing that the illegal assumption of jurisdiction was accompanied by some excuse which might save the commissioners from a criminal prosecution?

Let me illustrate still further. Suppose you, the judges of this court, to be surrounded in the hall where you are sitting by a body of armed insurgents, and compelled by main force to pronounce sentence of death upon the President of the United States for some act of his upon which you have no legal authority to adjudicate. There would be a valid sentence if necessity alone could create jurisdiction. But could the President be legally executed under it? No; the compulsion under which you acted would be a good defense for you against an impeachment or an indictment for murder, but it would add nothing to the validity of a judgment which the law forbade you to give.

That a necessity for violating the law is nothing more than a mere excuse to the perpetrator, and does not in any legal sense change the quality of the act itself in its operation upon other parties, is a proposition too plain on original principles to need the aid of authority. I do not see how any man of common sense is to stand up and dispute it. But there is decisive

authority upon the point. In 1815, at New Orleans, General Jackson took upon himself the command of every person in the city, suspended the functions of all the civil authorities, and made his own will for a time the only rule of conduct. It was believed to be absolutely necessary. Judges, officers of the city corporation, and members of the State Legislature insisted on it as the only way to save the "booty and beauty" of the place from the unspeakable outrages committed at Badajos and St. Sebastian by the very same troops then marching to the attack. Jackson used the power thus taken by him moderately, sparingly, benignly, and only for the purpose of preventing mutiny in his camp. A single mutineer was restrained by a short confinement, and another was sent four miles up the river. But, after he had saved the city, and the danger was all over, he stood before the court to be tried by the law; his conduct was decided to be illegal by the same judge who had declared it to be necessary, and he paid the penalty without a murmur. The Supreme Court of Louisiana, in Johnson *vs.* Duncan, decided that everything done during the siege in pursuance of martial rule, but in conflict with the law of the land, was void and of none effect, without reference to the circumstances which made it necessary. Long afterward the fine imposed upon Jackson was refunded, because his friends, while they admitted him to have violated the law, insisted that the necessity which drove him to it ought to have saved him from the punishment due only to a willful offender.

The learned counsel on the other side will not assert that there was war at Indianapolis in 1864, for they

have read "Coke's Institute," and Judge Grier's opinion in the prize cases, and of course they know it to be a settled rule that war cannot be said to exist where the civil courts are open. They will not set up the absurd plea of necessity, for they are well aware that it would not be true in point of fact. They will hardly take the ground that any kind of necessity could give legal validity to that which the law forbids.

This, therefore, must be their position: That although there was no war at the place where this commission sat, and no actual necessity for it, yet if there was a war anywhere else, to which the United States were a party, the technical effect of such war was to take the jurisdiction away from the civil courts and transfer it to army officers.

GENERAL BUTLER: We do not take that position.

MR. BLACK: Then they can take no ground at all, for nothing else is left. I do not wonder to see them recoil from their own doctrine when its nakedness is held up to their eyes. But they *must* stand upon that or give up their cause. They may not state their proposition precisely as I state it; that is too plain a way of putting it. But, in substance, it is their doctrine—has been the doctrine of the Attorney-General's office ever since the advent of the present incumbent—and is the doctrine of their brief, printed and filed in this case. What else can they say? They will admit that the Constitution is not altogether without a meaning; that at a time of universal peace it imposes some kind of obligation upon those who swear to support it. If no war existed they would not deny the exclusive jurisdiction of the civil courts in criminal cases. How, then, did the military get jurisdiction in Indiana?

All men who hold the Attorney-General's opinion to be true answer the question I have put by saying that military jurisdiction comes from the mere existence of war; and it comes in Indiana only as the legal result of a war which is going on in Mississippi, Tennessee, or South Carolina. The Constitution is repealed, or its operation suspended, in one State because there is war in another. The courts are open, the organization of society is intact, the judges are on the bench, and their process is not impeded; but their jurisdiction is gone. Why? Because, say our opponents, war exists, and the silent, legal, technical operation of that fact is to deprive all American citizens of their right to a fair trial.

That class of jurists and statesmen, who hold that the trial by jury is lost to the citizen during the existence of war, carry out their doctrine, theoretically and practically, to its ultimate consequences. The right of trial by jury being gone, all other rights are gone with it; therefore a man may be arrested without an accusation, and kept in prison during the pleasure of his captors; his papers may be searched without a warrant; his property may be confiscated behind his back, and he has no earthly means of redress. Nay, an attempt to get a just remedy is construed as a new crime. He dare not even complain, for the right of free speech is gone with the rest of his rights. If you sanction that doctrine, what is to be the consequence? I do not speak of what is past and gone; but in case of a future war, what results will follow from your decision indorsing the Attorney-General's views? They are very obvious. At the instant when war begins, our whole system of legal government will tumble into

ruin, and if we are not all robbed, and kidnaped, and hanged, and drawn, and quartered, we will owe our immunity, not to the Constitution and laws, but to the mere mercy or policy of those persons who may then happen to control the organized physical force of the country.

This certainly puts us in a most precarious condition; we must have war about half the time, do what we may to avoid it. The President or Congress can wantonly provoke a war whenever it suits the purpose of either to do so; and they can keep it going as long as they please, even after the actual conflict of arms is over. When Peace wooes them they can ignore her existence; and thus they can make war a chronic condition of the country, and the slavery of the people perpetual. Nay, we are at the mercy of any foreign potentate who may envy us the possession of those liberties which we boast of so much; he can shatter our Constitution without striking a single blow or bringing a gun to bear upon us. A simple declaration of hostilities is more terrible to us than an army with banners.

To me this seems the wildest delusion that ever took possession of a human brain. If there be one principle of political ethics more universally acknowledged than another, it is that war, and especially civil war, can be justified only when it is undertaken to vindicate and uphold the legal and constitutional rights of the people; not to trample them down. He who carries on a system of wholesale slaughter for any other purpose must stand without excuse before God or man. In a time of war, more than at any other time, public liberty is in the hands of the public officers. And she is there in double trust: first, as they are citizens, and

therefore bound to defend her by the common obligation of all citizens; and, next, as they are her special guardians—

> "Who should against her murderers shut the door,
> Not bear the knife themselves."

The opposing argument, when turned into plain English, means this, and this only: that when the Constitution is attacked upon one side, its official guardians may assail it upon the other; when rebellion strikes it in the face, they may take advantage of the blindness produced by the blow to sneak behind it and stab it in the back.

The convention when it framed the Constitution, and the people when they adopted it, could have had no thought like that. If they had supposed that it would operate only while perfect peace continued, they certainly would have given us some other rule to go by in time of war; they would not have left us to wander about in a howling wilderness of anarchy, without a lamp to our feet, or a guide to our path. Another thing proves their actual intent still more strikingly. They required that every man in any kind of public employment, State or national, civil or military, should swear, without reserve or qualification, that he would support the Constitution. Surely our ancestors had too much regard for the moral and religious welfare of their posterity to impose upon them an oath like that, if they intended and expected it to be broken half the time. The oath of an officer to support the Constitution is as simple as that of a witness to tell the truth in a court of justice. What would you think of a witness who should attempt to justify perjury upon the ground that he had testified when civil war was

raging, and he thought that by swearing to a lie he might promote some public or private object connected with the strife?

No, no, the great men who made this country what it is—the heroes who won her independence, and the statesmen who settled her institutions—had no such notions in their minds. Washington deserved the lofty praise bestowed upon him by the President of Congress when he resigned his commission—that he had always regarded the rights of the civil authority through all changes and through all disasters. When his duty as President afterward required him to arm the public force to suppress a rebellion in Western Pennsylvania, he never thought that the Constitution was abolished, by virtue of that fact, in New Jersey, or Maryland, or Virginia. It would have been a dangerous experiment for an adviser of his at that time, or at any time, to propose that he should deny a citizen his right to be tried by a jury, and substitute in place of it a trial before a tribunal composed of men elected by himself from among his own creatures and dependents. You can well imagine how that great heart would have swelled with indignation at the bare thought of such an insulting outrage upon the liberty and law of his country.

In the war of 1812, the man emphatically called the Father of the Constitution was the supreme Executive Magistrate. Talk of perilous times! There was the severest trial this Union ever saw. That was no half-organized rebellion on the one side of the conflict, to be crushed by the hostile millions and unbounded resources of the other. The existence of the nation was threatened by the most formidable military and naval

power then upon the face of the earth. Every town upon the northern frontier, upon the Atlantic seaboard, and upon the Gulf coast was in daily and hourly danger. The enemy had penetrated the heart of Ohio. New York, Pennsylvania, and Virginia were all of them threatened from the west as well as the east. This Capitol was taken, and burned, and pillaged, and every member of the Federal Administration was a fugitive before the invading army. Meanwhile, party spirit was breaking out into actual treason all over New England. Four of those States refused to furnish a man or a dollar even for their own defense. Their public authorities were plotting the dismemberment of the Union, and individuals among them were burning blue-lights upon the coast as a signal to the enemy's ships. But in all this storm of disaster, with foreign war in his front, and domestic treason on his flank, Madison gave out no sign that he would aid Old England and New England to break up this Government of laws. On the contrary, he and all his supporters, though compassed round with darkness and with danger, stood faithfully between the Constitution and its enemies

> **"To shield it and save it, or perish there, too."**

The framers of the Constitution and all their contemporaries died and were buried; their children succeeded them and continued on the stage of public affairs until they, too,

> **"Lived out their lease of life, and paid their breath**
> **To time and mortal custom";**

and a third generation was already far on its way to the grave before this monstrous doctrine was conceived

or thought of, that public officers all over the country might disregard their oaths whenever a war or a rebellion was commenced.

Our friends on the other side are quite conscious that when they deny the binding obligation of the Constitution they must put some other system of law in its place. Their brief gives notice that, while the Constitution, and the acts of Congress, and Magna Charta, and the common law, and all the rules of natural justice shall remain under foot, they will try American citizens according to the law of nations! But the law of nations takes no notice of the subject. If that system did contain a special provision that a government might hang one of its own citizens without a judge or jury, it would still be competent for the American people to say, as they have said, that no such thing should ever be done here. That is my answer to the law of nations.

But then they tell us that the laws of war must be treated as paramount. Here they become mysterious. Do they mean that code of public law which defines the duties of two belligerent parties to one another, and regulates the intercourse of neutrals with both? If yes, then it is simply a recurrence to the law of nations, which has nothing on earth to do with the subject. Do they mean that portion of our municipal code which defines our duties to the Government in war as well as in peace? Then they are speaking of the Constitution and laws, which declare in plain words that the Government owes every citizen a fair legal trial, as much as the citizen owes obedience to the Government. They are in search of an argument under difficulties. When they appeal to international law, it is

silent; and when they interrogate the law of the land, the answer is an unequivocal contradiction of their whole theory.

The Attorney-General tells us that all persons whom he and his associates choose to denounce for giving aid to the rebellion are to be treated as being themselves a part of the rebellion—they are public enemies, and therefore they may be punished without being found guilty by a competent court or a jury. This convenient rule would outlaw every citizen the moment he is charged with a political offense. But political offenders are precisely the class of persons who most need the protection of a court and jury, for the prosecutions against them are most likely to be unfounded both in fact and in law. Whether innocent or guilty, to accuse is to convict them before the ignorant and bigoted men who generally sit in military courts. But this court decided in the prize cases that all who live in the enemy's territory are public enemies, without regard to their personal sentiments or conduct; and the converse of the proposition is equally true—that all who reside inside of our own territory are to be treated as under the protection of the law. If they help the enemy they are criminals, but they cannot be punished without legal conviction.

You have heard much (and you will hear more very soon) concerning the natural and inherent right of the Government to defend itself without regard to law. This is wholly fallacious. In a despotism the autocrat is unrestricted in the means he may use for the defense of his authority against the opposition of his own subjects or others; and that is precisely what makes him a despot. But in a limited monarchy the

prince must confine himself to a legal defense of his government. If he goes beyond that, and commits aggressions on the rights of the people, he breaks the social compact, releases his subjects from all their obligations to him, renders himself liable to be hurled from his throne, and dragged to the block or driven into exile. This principle was sternly enforced in the cases of Charles I. and James II., and we have it announced on the highest official authority here that the Queen of England cannot ring a little bell on *her* table and cause a man by *her* arbitrary order to be arrested under any pretense whatever. If that be true there, how much more true must it be here, where we have no personal sovereign, and where our only Government is the Constitution and laws. A violation of law, on pretense of saving such a Government as ours, is not self-preservation, but suicide.

*Salus populi suprema lex.* Observe it is not *salus regis;* the safety of the people, not the safety of the ruler, is the supreme law. When those who hold the authority of the Government in their hands behave in such manner as to put the liberties and rights of the people in jeopardy, the people may rise against them and overthrow them without regard to that law which requires obedience to them. The maxim is revolutionary, and expresses simply the right to resist tyranny without regard to prescribed forms. It can never be used to stretch the powers of government against the people.

If this Government of ours has no power to defend itself without violating its own laws, it carries the seeds of destruction in its own bosom; it is a poor, weak, blind, staggering thing, and the sooner it tumbles over

the better. But it has a most efficient legal mode of protecting itself against all possible danger. It is clothed from head to foot in a complete panoply of defensive armor. What are the perils which may threaten its existence? I am not able at this moment to think of more than these which I am about to mention: foreign invasion, domestic insurrection, mutiny in the Army and Navy, corruption in the civil administration, and last, but not least, criminal violations of its laws committed by individuals among the body of the people. Have we not a legal mode of defense against all these? Yes: military force repels invasion and suppresses insurrection; you preserve discipline in the Army and Navy by means of courts-martial; you preserve the purity of the civil administration by impeaching dishonest magistrates; and crimes are prevented and punished by the regular judicial authorities. You are not merely compelled to use these weapons against your enemies, because they and they only are justified by the law: you ought to use them because they are more efficient than any other, and less liable to be abused.

There is another view of the subject which settles all controversy about it. No human being in this country can exercise any kind of public authority which is not conferred by law; and under the United States it must be given by the express words of a written statute. Whatever is not so given is withheld, and the exercise of it is positively prohibited. Courts-martial in the Army and Navy are authorized; they are legal institutions; their jurisdiction is limited, and their whole code of procedure is regulated by act of Congress. Upon the civil courts all the jurisdiction

they have or can have is bestowed by law; and if one of them goes beyond what is written, its action is *ultra vires* and void. But a military commission is not a court-martial, and it is not a civil court. It is not governed by the law which is made for either, and has no law of its own. Within the last five years we have seen, for the first time, self-constituted tribunals not only assuming power which the law did not give them, but thrusting aside the regular courts to which the power was exclusively given.

What is the consequence? This terrible authority is wholly undefined, and its exercise is without any legal control. Undelegated power is always unlimited. The field that lies outside of the Constitution and laws has no boundary. Thierry, the French historian of England, says that when the crown and scepter were offered to Cromwell he hesitated for several days, and answered, "Do not make me a king; for then my hands will be tied up by the laws which define the duties of that office; but make me protector of the Commonwealth, and I can do what I please; no statute restraining and limiting the royal prerogative will apply to me." So these commissions have no legal origin and no legal name by which they are known among the children of men; no law applies to them; and they exercise all power for the paradoxical reason that none belongs to them rightfully.

Ask the Attorney-General what rules apply to military commissions in the exercise of their assumed authority over civilians. Come, Mr. Attorney, "gird up thy loins now like a man; I will demand of thee, and thou shalt declare unto me if thou hast understanding." How is a military commission organized?

What shall be the number and rank of its members? What offenses come within its jurisdiction? What is its code of procedure? How shall witnesses be compelled to attend it? Is it perjury for a witness to swear falsely? What is the function of the Judge-Advocate? Does he tell the members how they must find, or does he only persuade them to convict? Is he the agent of the Government, to command them what evidence they shall admit and what sentence they shall pronounce; or does he always carry his point, right or wrong, by the mere force of eloquence and ingenuity? What is the nature of their punishment? May they confiscate property and levy fines as well as imprison and kill? In addition to strangling their victim, may they also deny him the last consolations of religion, and refuse his family the melancholy privilege of giving him a decent grave?

To none of these questions can the Attorney-General make a reply, for there is no law on the subject. He will not attempt to "darken counsel by words without knowledge," and therefore, like Job, he can only lay his hand upon his mouth and keep silence.

The power exercised through those military commissions is not only unregulated by law, but it is incapable of being so regulated. What is it that you claim, Mr. Attorney? I will give you a definition, the correctness of which you will not attempt to gainsay. You assert the right of the Executive Government, without the intervention of the judiciary, to capture, imprison, and kill any person to whom that Government or its paid dependents may choose to impute an offense. This, in its very essence, is despotic and lawless. It is never claimed or tolerated except by those

governments which deny the restraints of all law. It has been exercised by the great and small oppressors of mankind ever since the days of Nimrod. It operates in different ways; the tools it uses are not always the same; it hides its hideous features under many disguises; it assumes every variety of form;

> **" It can change shapes with Proteus for advantages,**
> **And set the murderous Machiavel to school."**

But in all its mutations of outward appearance it is still identical in principle, object, and origin. It is always the same great engine of despotism which Hamilton described it to be.

Under the old French monarchy the favorite fashion of it was a *lettre de cachet*, signed by the king, and this would consign the party to a loathsome dungeon until he died, forgotten by all the world. An imperial *ukase* will answer the same purpose in Russia. The most faithful subject of that amiable autocracy may lie down in the evening to dream of his future prosperity, and before daybreak he will find himself between two dragoons on his way to the mines of Siberia. In Turkey the verbal order of the Sultan or any of his powerful favorites will cause a man to be tied up in a sack and cast into the Bosphorus. Nero accused Peter and Paul of spreading a "pestilent superstition," which they called the Gospel. He heard their defense in person, and sent them to the cross. Afterward he tried the whole Christian Church in one body, on a charge of setting fire to the city, and he convicted them, though he knew not only that they were innocent, but that he himself had committed the crime. The judgment was followed by instant exe-

cution; he let loose the Prætorian guards upon men, women, and children, to drown, butcher, and burn them. Herod saw fit, for good political reasons, closely affecting the permanence of his reign in Judea, to punish certain *possible* traitors in Bethlehem by anticipation. This required the death of all the children in that city under two years of age. He issued his "general order"; and his provost-marshal carried it out with so much alacrity and zeal that in one day the whole land was filled with mourning and lamentation.

Macbeth understood the whole philosophy of the subject. He was an unlimited monarch. His power to punish for any offense or for no offense at all was as broad as that which the Attorney-General claims for himself and his brother officers under the United States. But he was more cautious how he used it. He had a dangerous rival, from whom he apprehended the most serious peril to the "life of his government." The necessity to get rid of him was plain enough, but he could not afford to shock the moral sense of the world by pleading political necessity for a murder. He must

> "Mask the business from the common eye."

Accordingly he sent for two enterprising gentlemen whom he took into his service upon liberal pay—"made love to their assistance"—and got them to deal with the accused party. He acted as his own Judge-Advocate. He made a most elegant and stirring speech to persuade his agents that Banquo was their oppressor, and had "held them so under fortune" that he ought to die for that alone. When

they agreed that he was their enemy, then said the king:

> "So is he mine, and though I could
> With barefaced power sweep him from my sight
> And bid my will avouch it; yet I must not,
> For certain friends, who are both his and mine,
> Whose loves I may not drop."

For these, and "many weighty reasons" besides, he thought it best to commit the execution of his design to a subordinate agency. The commission thus organized in Banquo's case sat upon him that very night, at a convenient place beside the road where it was known he would be traveling; and they did precisely what the Attorney-General says the military officers may do in this country—they took and killed him, because their employer at the head of the government wanted it done, and paid them for doing it out of the public treasury.

But of all the persons that ever wielded this kind of power, the one who went most directly to the purpose and object of it was Lola Montez. She reduced it to the elementary principle. In 1848, when she was minister and mistress to the King of Bavaria, she dictated all the measures of the Government. The times were troublesome. All over Germany the spirit of rebellion was rising; everywhere the people wanted to see a first-class revolution, like that which had just exploded in France. Many persons in Bavaria disliked to be governed so absolutely by a lady of the character which Lola Montez bore, and some of them were rash enough to say so. Of course that was treason, and she went about to punish it in the simplest of all possible ways. She bought herself a pack of Eng-

lish bulldogs, trained to tear the flesh, and mangle the limbs, and lap the life-blood: and with these dogs at her heels, she marched up and down the streets of Munich with a most majestic tread, and with a sense of power which any Judge-Advocate in America might envy. When she saw any person whom she chose to denounce for "thwarting the government," or "using disloyal language," her obedient followers needed but a sign to make them spring at the throat of their victim. It gives me unspeakable pleasure to tell you the sequel. The people rose in their strength, smashed down the whole machinery of oppression, and drove out into uttermost shame king, strumpet, dogs, and all. From that time to this neither man, woman, nor beast, has dared to worry or kill the people of Bavaria.

All these are but so many different ways of using the arbitrary power to punish. The variety is merely in the means which a tyrannical government takes to destroy those whom it is bound to protect. Everywhere it is but another construction, on the same principle, of that remorseless machine by which despotism wreaks its vengeance on those who offend it. In a civilized country it nearly always uses the military force, because that is the sharpest, and surest, as well as the best-looking instrument that can be found for such a purpose. But in none of its forms can it be introduced into this country; we have no room for it; the ground here is all preoccupied by legal and free institutions.

Between the officers who have a power like this, and the people who are liable to become its victims, there can be no relation except that of master and slave. The master may be kind, and the slave may be contented

in his bondage; but the man who can take your life, or restrain your liberty, or despoil you of your property at his discretion, either with his own hands or by means of a hired overseer, owns you and he can force you to serve him. All you are and all you have, including your wives and children, are his property.

If my learned and very good friend, the Attorney-General, had this right of domination over me, I should not be very much frightened, for I should expect him to use it as moderately as any man in all the world; but still I should feel the necessity of being very discreet. He might change in a short time. The thirst for blood is an appetite which grows by what it feeds upon. We cannot know him by present appearances. Robespierre resigned a country judgeship in early life because he was too tender-hearted to pronounce sentence of death upon a convicted criminal. Caligula passed for a most amiable young gentleman before he was clothed with the imperial purple, and for about eight months afterward. It was Trajan, I think, who said that absolute power would convert any man into a wild beast, whatever was the original benevolence of his nature. If you decide that the Attorney-General holds in his own hands, or shares with others, the power of life and death over us all, I mean to be very cautious in my intercourse with him; and I warn you, the judges whom I am now addressing, to do likewise. Trust not to the gentleness and kindness which have always marked his behavior heretofore. Keep your distance; be careful how you approach him; for you know not at what moment or by what a trifle you may rouse the sleeping tiger. Remember the injunction of Scripture: "Go not near to

the man who hath power to kill; and if thou come unto him, see that thou make no fault, lest he take away thy life presently; for thou goest among snares and walkest upon the battlements of the city."

The right of the Executive Government to kill and imprison citizens for political offenses has not been practically claimed in this country, except in cases where commissioned officers of the army were the instruments used. Why should it be confined to them? Why should not naval officers be permitted to share in it? What is the reason that common soldiers and seamen are excluded from all participation in the business? No law has bestowed the right upon army officers more than upon other persons. If men are to be hung up without that legal trial which the Constitution guarantees to them, why not employ commissions of clergymen, merchants, manufacturers, horse-dealers, butchers, or drovers, to do it? It will not be pretended that military men are better qualified to decide questions of fact or law than other classes of people; for it is known, on the contrary, that they are, as a general rule, least of all fitted to perform the duties that belong to a judge.

The Attorney-General thinks that a proceeding which takes away the lives of citizens without a constitutional trial is a most merciful dispensation. His idea of humanity as well as law is embodied in the bureau of military justice, with all its dark and bloody machinery. For that strange opinion he gives this curious reason: that the duty of the commander-in-chief is to kill, and unless he has this bureau and these commissions he must "butcher" indiscriminately, without mercy or justice. I admit that if the commander-

in-chief or any other officer of the Government has the power of an Asiatic king, to butcher the people at pleasure, he ought to have somebody to aid him in selecting his victims, as well as to do the rough work of strangling and shooting. But if my learned friend will only condescend to cast an eye upon the Constitution, he will see at once that all the executive and military officers are completely relieved by the provision that the life of a citizen shall not be taken at all until after legal conviction by a court and jury.

You cannot help but see that military commissions, if suffered to go on, will be used for most pernicious purposes. I have criticised none of their past proceedings, nor made any allusion to their history in the last five years. But what can be the meaning of this effort to maintain them among us? Certainly not to punish actual guilt. All the ends of true justice are attained by the prompt, speedy, impartial trial which the courts are bound to give. Is there any danger that crime will be winked upon by the judges? Does anybody pretend that courts and juries have less ability to decide upon facts and law than the men who sit in military tribunals? The counsel in this cause will not insult you by even hinting such an opinion. What righteous or just purpose, then, can they serve? None, whatever.

But while they are utterly powerless to do even a shadow of good, they will be omnipotent to trample upon innocence, to gag the truth, to silence patriotism, and crush the liberties of the country. They will always be organized to convict, and the conviction will follow the accusation as surely as night follows the day. The Government, of course, will accuse none before

such a commission except those whom it predetermines to ruin and destroy. The accuser can choose the judges, and will certainly select those who are known to be the most ignorant, the most unprincipled, and the most ready to do whatever may please the power which gives them pay, promotion, and plunder. The willing witness can be found as easily as the superserviceable judge. The treacherous spy, and the base informer—those loathsome wretches who do their lying by the job—will stock such a market with abundant perjury, for the authorities that employ them will be bound to protect as well as reward them. A corrupt and tyrannical government, with such an engine at its command, will shock the world with the enormity of its crimes. Plied as it may be by the arts of a malignant priesthood, and urged on by the madness of a raving crowd, it will be worse than the popish plot, or the French revolution—it will be a combination of both, with Fouquier-Tinville on the bench, and Titus Oates in the witness' box. You can save us from this horrible fate. You alone can "deliver us from the body of this death." To that fearful extent is the destiny of this nation in your hands.

## *DEMONSTRATIVE ORATORY.*

## THE EULOGY.

## WENDELL PHILLIPS.

*Born 1811. Died 1884.*

## DANIEL O'CONNELL.

[Prefacing this oration, in the second volume of Mr. Phillips' *Speeches, Lectures, and Addresses*, is the following explanatory note: "On the one hundredth anniversary of the birth of Daniel O'Connell, August 6, 1875, a celebration was held in Music Hall, Boston. Mr. Phillips was the orator of the occasion. No subject could have been more congenial, for no statesman of his own day had more deeply impressed Mr. Phillips than O'Connell, and the name of the Irish agitator was often on the American agitator's lips. The oration was often repeated and takes rank with the orator's masterpieces."

The oration is here printed from the volume mentioned above, with the permission of the publishers, Messrs. Lee and Shepard.]

A hundred years ago to-day Daniel O'Connell was born. The Irish race, wherever scattered over the globe, assembles to-night to pay fitting tribute to his memory—one of the most eloquent men, one of the most devoted patriots, and the most successful statesman which that race has given to history. We of other races may well join you in that tribute, since the cause of constitutional government owes more to O'Connell than to any other political leader of the last two centuries. The English-speaking race, to find his equal among statesmen, must pass by Chatham and

Walpole, and go back to Oliver Cromwell, or the able men who held up the throne of Queen Elizabeth. If to put the civil and social elements of your day into successful action, and plant the seeds of continued strength and progress for coming times—if this is to be a statesman, then most emphatically was O'Connell one. To exert this control, and secure this progress, while and because ample means lie ready for use under your hand, does not rob Walpole and Colbert, Chatham and Richelieu, of their title to be considered statesmen. To do it, as Martin Luther did, when one must ingeniously discover or invent his tools, and while the mightiest forces that influence human affairs are arrayed against him, that is what ranks O'Connell with the few masterly statesmen the English-speaking race has ever had. When Napoleon's soldiers bore the negro chief Toussaint L'Ouverture into exile, he said, pointing back to San Domingo, "You think you have rooted up the tree of liberty, but I am only a branch. I have planted the tree itself so deep that ages will never root it up." And whatever may be said of the social or industrial condition of Hayti during the last seventy years, its nationality has never been successfully assailed.

O'Connell is the only Irishman who can say as much of Ireland. From the peace of Utrecht, 1713, till the fall of Napoleon, Great Britain was the leading state in Europe; while Ireland, a comparatively insignificant island, lay at its feet. She weighed next to nothing in the scale of British politics. The Continent pitied and England despised her. O'Connell found her a mass of quarreling races and sects, divided, dispirited, broken-hearted, and servile. He

made her a nation whose first word broke in pieces the iron obstinacy of Wellington, tossed Peel from the Cabinet, and gave the government to the Whigs; whose colossal figure, like the helmet in Walpole's romance, has filled the political sky ever since; whose generous aid thrown into the scale of the three great British reforms,—the ballot, the corn-laws, and slavery,—secured their success; a nation whose continual discontent has dragged Great Britain down to be a second-rate power on the chess-board of Europe. I know other causes have helped in producing this result, but the nationality which O'Connell created has been the main cause of this change in England's importance. Dean Swift, Molyneux, and Henry Flood thrust Ireland for a moment into the arena of British politics, a sturdy suppliant clamoring for justice; and Grattan held her there an equal, and, as he thought, a nation, for a few years. But the unscrupulous hand of William Pitt brushed away in an hour all Grattan's works. Well might he say of the Irish Parliament which he brought to life, "I sat by its cradle, I followed its hearse"; since after that infamous union, which Byron called a "union of the shark with its prey," Ireland sank back, plundered and helpless. O'Connell lifted her to a fixed and permanent place in English affairs—no suppliant, but a conqueror dictating her terms.

This is the proper standpoint from which to look at O'Connell's work. This is the consideration that ranks him, not with founders of states, like Alexander, Cæsar, Bismarck, Napoleon, and William the Silent, but with men who, without arms, by force of reason, have revolutionized their times—with Luther, Jeffer-

son, Mazzini, Samuel Adams, Garrison, and Franklin. I know some men will sneer at this claim—those who have never looked at him except through the spectacles of English critics, who despised him as an Irishman and a Catholic, until they came to hate him as a conqueror. As Grattan said of Kirwan, "The curse of Swift was upon him, to have been born an Irishman and a man of genius, and to have used his gifts for his country's good." Mark what measure of success attended the able men who preceded him, in circumstances as favorable as his, perhaps even better; then measure him by comparison.

An island soaked with the blood of countless rebellions; oppression such as would turn cowards into heroes; a race whose disciplined valor had been proved on almost every battlefield in Europe, and whose reckless daring lifted it, any time, in arms against England, with hope or without—what inspired them? Devotion, eloquence, and patriotism seldom paralleled in history. Who led them? Dean Swift, according to Addison, "the greatest genius of his age," called by Pope "the incomparable," a man fertile in resources, of stubborn courage and tireless energy, master of an English style unequaled, perhaps, for its purpose then or since, a man who had twice faced England in her angriest mood, and by that masterly pen subdued her to his will; Henry Flood, eloquent even for an Irishman, and sagacious as he was eloquent—the eclipse of that brilliant life one of the saddest pictures in Irish biography; Grattan, with all the courage, and more than the eloquence, of his race, a statesman's eye quick to see every advantage, boundless devotion, unspotted integrity, recognized as an

equal by the world's leaders, and welcomed by Fox to the House of Commons as the "Demosthenes of Ireland"; Emmet in the field, Sheridan in the senate, Curran at the bar; and, above all, Edmund Burke, whose name makes eulogy superfluous, more than Cicero in the senate, almost Plato in the academy. All these gave their lives to Ireland; and when the present century opened, where was she? Sold like a slave in the market place by her perjured master, William Pitt.

It was then that O'Connell flung himself into the struggle, gave fifty years to the service of his country; and where is she to-day? Not only redeemed, but her independence put beyond doubt or peril. Grattan and his predecessors could get no guaranties for what rights they gained. In that sagacious, watchful, and almost omnipotent public opinion, which O'Connell created, is an all-sufficient guaranty of Ireland's future. Look at her! almost every shackle has fallen from her limbs; all that human wisdom has as yet devised to remedy the evils of bigotry and misrule has been done. O'Connell found Ireland a "hissing and a byword" in Edinburgh and London. He made her the pivot of British politics; she rules them, directly or indirectly, with as absolute a sway as the slave question did the United States from 1850 to 1865. Look into Earl Russell's book, and the history of the Reform Bill of 1832, and see with how much truth it may be claimed that O'Connell and his fellows gave Englishmen the ballot under that act. It is by no means certain that the corn-laws could have been abolished without their aid. In the Anti-slavery struggle O'Connell stands, in influence and ability, equal with the best. I know

the credit all those measures do to English leaders; but, in my opinion, the next generation will test the statesmanship of Peel, Palmerston, Russell, and Gladstone, almost entirely by their conduct of the Irish question. All the laurels they have hitherto won in that field are rooted in ideas which Grattan and O'Connell urged on reluctant hearers for half a century. Why do Bismarck and Alexander look with such contemptuous indifference on every attempt of England to mingle in European affairs? Because they know they have but to lift a finger, and Ireland stabs her in the back. Where was the statesmanship of English leaders when they allowed such an evil to grow so formidable? This is Ireland to-day. What was she when O'Connell undertook her cause? The saddest of Irish poets has described her:

"O Ireland, my country, the hour of thy pride and thy splendor hath passed,
And the chain that was spurned in thy moments of power hangs heavy around thee at last!
There are marks in the fate of each clime, there are turns in the fortunes of men;
But the changes of realms or the chances of time shall never restore thee again.

"Thou art chained to the wheel of the foe by links which a world cannot sever:
With thy tyrant through storm and through calm thou shalt go, and thy sentence is bondage forever.
Thou art doomed for the thankless to toil, thou art left for the proud to disdain:
And the blood of thy sons and the wealth of thy soil shall be lavished and lavished in vain.

"Thy riches with taunts shall be taken, thy valor with coldness be paid;
And of millions who see thee thus sunk and forsaken not one shall stand forth in thine aid.
In the nations thy place is left void; thou art lost in the list of the free;
Even realms by the plague and the earthquake destroyed may revive, but no hope is for thee."

It was at this moment, when the cloud came down close to earth, that O'Connell, then a young lawyer just admitted to the bar, flung himself in front of his countrymen, and begged them to make one grand effort. The hierarchy of the Church disowned him. They said, "We have seen every attempt lead always up to the scaffold; we are not willing to risk another effort." The peerage of the island repudiated him. They said, "We have struggled and bled for a half dozen centuries; it is better to sit down content." Alone, a young man, without office, without wealth, without renown, he flung himself in front of the people, and asked for a new effort. What was the power left him? Simply the people—poverty-stricken, broken-hearted peasants standing on a soil soaked with the blood of their ancestors, cowering under a code of which Brougham said that "they could not lift their hands without breaking it." It was a community impoverished by five centuries of oppression—four millions of Catholics robbed of every acre of their native land; it was an island torn by race-hatred and religious bigotry, her priests indifferent, and her nobles hopeless or traitors. The wiliest of her enemies, a Protestant Irishman, ruled the British senate; the sternest of her tyrants, a Protestant Irishman, led the armies of

Europe. Puritan hate, which had grown blinder and more bitter since the days of Cromwell, gave them weapons. Ireland herself lay bound in the iron links of a code which Montesquieu said could have been "made only by devils, and should be registered only in hell." Her millions were beyond the reach of the great reform engine of modern times, since they could neither read nor write.

Well, in order to lead Ireland in that day an Irishman must have four elements, and he must have them also to a large extent to-day. The first is, he must be what an Irishman calls a gentleman, every inch of him, from the crown of his head to the sole of his foot—that is, he must trace his lineage back to the legends of Ireland. Well, O'Connell could do that; he belonged to one of the perhaps seven royal families of the old history. Secondly, he must have proved his physical courage in the field or by the duel. Well, O'Connell knew this; his enemies knew it. Bred at St. Omer, with a large leaning to be a priest, he had the most emphatic scruples against the duel, and so announced himself; so that when he had got his head above the mass and began to be seen, a Major d'Esterre, agent of the Dublin Corporation, visited him with continuous insult. Every word that had insult in it was poured upon his head through the journals. O'Connell saw the dread alternative—he must either give satisfaction to the gentleman or leave the field; and at last he consented to a challenge. He passed the interval between the challenge and the day of meeting in efforts to avoid it, which were all attributed to cowardice. When at last he stood opposite his antagonist, he said to his second, "God forbid

that I should risk a life; mark me, I shall fire below the knee." But you know in early practice with the pistol you always fire above the mark; and O'Connell's pistol took effect above the knee, and D'Esterre fell mortally wounded. O'Connell recorded in the face of Europe a vow against further dueling. He settled a pension on the widow of his antagonist; and a dozen years later, when he held ten thousand dollars' worth of briefs in the northern courts, he flung them away, and went to the extreme south to save for her the last acre she owned. After this his sons fought his duels; and when Disraeli, anxious to prove himself a courageous man, challenged O'Connell, he put the challenge in his pocket. Disraeli, to get the full advantage of the matter, sent his letter to the London *Times;* whereupon Maurice O'Connell sent the Jew a message that there was an O'Connell who would fight the duel if he wanted it, but his name was not Daniel. Disraeli did not continue the correspondence.

Thirdly, an Irish leader must not only be a lawyer of great acuteness, but he must have a great reputation for being such. He had to lift three millions of people, and fling them against a government that held in its hand a code which made it illegal for any one of them to move; and they never had moved prior to this that it did not end at the scaffold. For twenty long years O'Connell lifted these three millions of men, and flung them against the British government at every critical moment, and no sheriff ever put his hand on one of his followers; and when late in life the Queen's Bench of Judges, sitting in Dublin, sent him to jail, he stood almost alone in his interpretation of

the statutes against the legal talent of the island. He appealed to the House of Lords, and the judges of England confirmed his construction of the law and set him free. Fourthly, an Irish leader must be an orator; he must have the magic that molds millions of souls into one. Of this I shall have more to say in a moment.

In this mass of Irish ignorance, weakness, and quarrel, one keen eye saw hidden the elements of union and strength. With rarest skill he called them forth, and marshaled them into rank. Then this one man, without birth, wealth, or office, in a land ruled by birth, wealth, and office, molded from those unsuspected elements a power which, overawing king, senate, and people, wrote his single will on the statute-book of the most obstinate nation in Europe. Safely to emancipate the Irish Catholics, and, in spite of Saxon-Protestant hate, to lift all Ireland to the level of British citizenship—this was the problem which statesmanship and patriotism had been seeking for two centuries to solve. For this, blood had been poured out like water. On this, the genius of Swift, the learning of Molyneux, and the eloquence of Bushe, Grattan, and Burke had been wasted. English leaders ever since Fox had studied this problem anxiously. They saw that the safety of the empire was compromised. At one or two critical moments in the reign of George III., one signal from an Irish leader would have snapped the chain that bound Ireland to his throne. His ministers recognized it; and they tried every expedient, exhausted every device, dared every peril, kept oaths or broke them, in order to succeed. All failed; and not only failed, but acknowledged they

could see no way in which success could ever be achieved.

O'Connell achieved it. Out of this darkness, he called forth light. Out of this most abject, weak, and pitiable of kingdoms, he made a power; and dying, he left in Parliament a specter which, unless appeased, pushes Whig and Tory ministers alike from their stools.

But Brougham says he was a demagogue. Fie on Wellington, Derby, Peel, Palmerston, Liverpool, Russell, and Brougham, to be fooled and ruled by a demagogue! What must they, the subjects, be, if O'Connell, their king, be only a bigot and a demagogue? A demagogue rides the storm; he has never really the ability to create one. He uses it narrowly, ignorantly, and for selfish ends. If not crushed by the force which, without his will, has flung him into power, he leads it with ridiculous miscalculation against some insurmountable obstacle that scatters it forever. Dying, he leaves no mark on the elements with which he has been mixed. Robespierre will serve for an illustration. It took O'Connell thirty years of patient and sagacious labor to mold elements whose existence no man, however wise, had ever discerned before. He used them unselfishly, only to break the yoke of his race. Nearly fifty years have passed since his triumph, but his impress still stands forth clear and sharp on the empire's policy. Ireland is wholly indebted to him for her political education. Responsibility educates; he lifted her to broader responsibilities. Her possession of power makes it the keen interest of other classes to see she is well informed. He associated her with all the reform movements of Great Britain. This

is the education of affairs, broader, deeper, and more real than what school or college can give. This and power, his gifts, are the lever which lifts her to every other right and privilege. How much England owes him we can never know; since how great a danger and curse Ireland would have been to the empire, had she continued the cancer Pitt and Castlereagh left her, is a chapter of history which, fortunately, can never be written. No demagogue ever walked through the streets of Dublin, as O'Connell and Grattan did more than once, hooted and mobbed because they opposed themselves to the mad purpose of the people, and crushed it by a stern resistance. No demagogue would have offered himself to a race like the Irish as the apostle of peace, pledging himself to the British government that, in the long agitation before him, with brave millions behind him spoiling for a fight, he would never draw a sword.

I have purposely dwelt long on this view, because the extent and the far-reaching effects of O'Connell's work, without regard to the motives which inspired him, or the methods he used, have never been fully recognized.

Briefly stated, he did what the ablest and bravest of his forerunners had tried to do and failed. He created a public opinion and unity of purpose,—no matter what be now the dispute about methods,—which made Ireland a nation; he gave her British citizenship, and a place in the imperial Parliament; he gave her a press and a public: with these tools her destiny is in her own hands. When the Abolitionists got for the negro schools and the vote, they settled the slave question; for they planted the sure seeds of

civil equality. O'Connell did this for Ireland —this which no Irishman before had ever dreamed of attempting. Swift and Molyneux were able. Grattan, Bushe, Saurin, Burrowes, Plunket, Curran, Burke, were eloquent. Throughout the island courage was a drug. They gained now one point, and now another; but, after all, they left the helm of Ireland's destiny in foreign and hostile hands. O'Connell was brave, sagacious, eloquent; but, more than all, he was a statesman, for he gave to Ireland's own keeping the key of her future. As Lord Bacon marches down the centuries, he may lay one hand on the telegraph and the other on the steam-engine, and say, "These are mine, for I taught you how to study Nature." In a similar sense, as shackle after shackle falls from Irish limbs, O'Connell may say, "This victory is mine; for I taught you the method, and I gave you the arms."

I have hitherto been speaking of his ability and success; by and by we will look at his character, motives, and methods. This unique ability even his enemies have been forced to confess. Harriet Martineau, in her incomparable history of the "Thirty Years' Peace," has, with Tory hate, misconstrued every action of O'Connell, and invented a bad motive for each one. But even she confesses that "he rose in power, influence, and notoriety to an eminence such as no other individual citizen has attained in modern times" in Great Britain. And one of his by no means partial biographers has well said:

"Any man who turns over the magazines and newspapers of that period will easily perceive how grandly O'Connell's figure dominated in politics, how com-

pletely he had dispelled the indifference that had so long prevailed on Irish questions, how clearly his agitation stands forth as the great fact of the time. . . The truth is, his position, so far from being a common one, is absolutely unique in history. We may search in vain through the records of the past for any man, who without the effusion of a drop of blood, or the advantages of office or rank, succeeded in governing a people so absolutely and so long, and in creating so entirely the elements of his power. . . There was no rival to his supremacy, there was no restriction to his authority. He played with the enthusiasm he had aroused, with the negligent ease of a master; he governed the complicated organization he had created, with a sagacity that never failed. He made himself the focus of the attention of other lands, and the center around which the rising intellect of his own revolved. He had transformed the whole social system of Ireland; almost reversed the relative positions of Protestants and Catholics; remodeled by his influence the representative, ecclesiastical, and educational institutions, and created a public opinion that surpassed the wildest dreams of his predecessors. Can we wonder at the proud exultation with which he exclaimed, 'Grattan sat by the cradle of his country, and followed her hearse; it was left for me to sound the resurrection trumpet, and to show that she was not dead, but sleeping'?"

But the method by which he achieved his success is perhaps more remarkable than even the success itself. An Irish poet, one of his bitterest assailants thirty years ago, has laid a chaplet of atonement on his altar, and one verse runs:

"O great world-leader of a mighty age!
Praise unto thee let all the people give.
By thy great name of LIBERATOR live
In golden letters upon history's page;
And this thy epitaph while time shall be,—
*He found his country chained, but left her free.*"

It is natural that Ireland should remember him as her Liberator. But, strange as it may seem to you, I think Europe and America will remember him by a higher title. I said in opening, that the cause of constitutional government is more indebted to O'Connell than to any other political leader of the last two centuries. What I mean is, that he invented the great method of constitutional agitation. Agitator is a title which will last longer, which suggests a broader and more permanent influence, and entitles him to the gratitude of far more millions than the name Ireland loves to give him. The "first great agitator" is his proudest title to gratitude and fame. Agitation is the method that puts the school by the side of the ballot-box. The Frémont canvass was the nation's best school. Agitation prevents rebellion, keeps the peace, and secures progress. Every step she gains is gained forever. Muskets are the weapons of animals; agitation is the atmosphere of brains. The old Hindoo saw, in his dream, the human race led out to its various fortunes. First, men were in chains which went back to an iron hand; then he saw them led by threads from the brain which went upward to an unseen hand. The first was despotism, iron and ruling by force. The last was civilization, ruling by ideas.

Agitation is an old word with a new meaning. Sir Robert Peel, the first English leader who felt he was

its tool, defined it to be "the marshaling of the conscience of a nation to mold its laws." O'Connell was the first to show and use its power, to lay down its principles, to analyze its elements, and mark out its metes and bounds. It is voluntary, public, and above-board,—no oath-bound secret societies like those of old time in Ireland, and of the Continent to-day. Its means are reason and argument—no appeal to arms. Wait patiently for the slow growth of public opinion.

The Frenchman is angry with his government; he throws up barricades, and shots his guns to the lips. A week's fury drags the nation ahead a hand-breadth; reaction lets it settle halfway back again. As Lord Chesterfield said, a hundred years ago, "You Frenchmen erect barricades, but never any barriers." An Englishman is dissatisfied with public affairs. He brings his charges, offers his proofs, waits for prejudice to relax, for public opinion to inform itself. Then every step taken is taken forever; an abuse once removed never reappears in history. Where did he learn this method? Practically speaking, from O'Connell. It was he who planted its corner stone—argument, no violence; no political change is worth a drop of human blood. His other motto was, "Tell the whole truth"; no concealing half of one's convictions to make the other half more acceptable; no denial of one truth to gain hearing for another; no compromise; or, as he phrased it, "Nothing is politically right which is morally wrong."

Above all, plant yourself on the millions. The sympathy of every human being, no matter how ignorant or how humble, adds weight to public opinion. At

the outset of his career the clergy turned a deaf ear to his appeal. They had seen their flocks led up to useless slaughter for centuries, and counseled submission. The nobility repudiated him; they were either traitors or hopeless. Protestants had touched their *Ultima Thule* with Grattan, and seemed settling down in despair. English Catholics advised waiting till the tyrant grew merciful. O'Connell, left alone, said, "I will forge these four millions of Irish hearts into a thunderbolt which shall suffice to dash this despotism to pieces." And he did it. Living under an aristocratic government, himself of the higher class, he anticipated Lincoln's wisdom, and framed his movements "for the people, of the people, and by the people."

It is a singular fact that the freer a nation becomes, the more utterly democratic the form of its institutions, this outside agitation, this pressure of public opinion to direct political action, becomes more and more necessary. The general judgment is that the freest possible government produces the freest possible men and women—the most individual, the least servile to the judgment of others. But a moment's reflection will show any man that this is an unreasonable expectation, and that, on the contrary, entire equality and freedom in political forms almost inevitably tend to make the individual subside into the mass, and lose his identity in the general whole. Suppose we stood in England to-night. There is the nobility, and here is the Church. There is the trading class, and here is the literary. A broad gulf separates the four; and provided a member of either can conciliate his own section, he can afford, in a very large meas-

ure, to despise the judgment of the other three. He has, to some extent, a refuge and a breakwater against the tyranny of what we call public opinion. But in a country like ours, of absolute democratic equality, public opinion is not only omnipotent, it is omnipresent. There is no refuge from its tyranny; there is no hiding from its reach; and the result is that, if you take the old Greek lantern, and go about to seek among a hundred, you will find not one single American who really has not, or who does not fancy at least that he has something to gain or lose in his ambition, his social life, or his business, from the good opinion and the votes of those about him. And the consequence is, that,—instead of being a mass of individuals, each one fearlessly blurting out his own convictions,—as a nation, compared with other nations, we are a mass of cowards. More than any other people, we are afraid of each other.

If you were a caucus to-night, Democratic or Republican, and I were your orator, none of you could get beyond the necessary and timid limitations of party. You not only would not demand, you would not allow me to utter, one word of what you really thought, and what I thought. You would demand of me—and my value as a caucus speaker would depend entirely on the adroitness and the vigilance with which I met the demand—that I should not utter one single word which would compromise the vote of next week. That is politics; so with the press. Seemingly independent, and sometimes really so, the press can afford only to mount the cresting wave, not go beyond it. The editor might as well shoot his reader with a bullet

as with a new idea. He must hit the exact line of the opinion of the day. I am not finding fault with him; I am only describing him. Some three years ago I took to one of the freest of the Boston journals a letter, and by appropriate consideration induced its editor to print it. And as we glanced along its contents, and came to the concluding statement, he said, "Couldn't you omit that?" I said, "No; I wrote it for that; it is the gist of the statement." "Well," said he, "it is true; there is not a boy in the streets that does not know it is true; but I wish you could omit it."

I insisted; and the next morning, fairly and justly, he printed the whole. Side by side he put an article of his own, in which he said, "We copy in the next column an article from Mr. Phillips, and we only regret the absurd and unfounded statement with which he concludes it." He had kept his promise by printing the article; he saved his reputation by printing the comment. And that, again, is the inevitable, the essential limitation of the press in a republican community. Our institutions, floating unanchored on the shifting surface of popular opinion, cannot afford to hold back, or to draw forward, a hated question, and compel a reluctant public to look at it and to consider it. Hence, as you see at once, the moment a large issue, twenty years ahead of its age, presents itself to the consideration of an empire or of a republic, just in proportion to the freedom of its institutions is the necessity of a platform outside of the press, of politics, and of its Church, whereon stand men with no candidate to elect, with no plan to carry, with no reputation to stake, with no object but the truth, no pur-

pose but to tear the question open and let the light through it. So much in explanation of a word infinitely hated,—agitation and agitators,—but an element which the progress of modern government has developed more and more every day.

The great invention we trace in its twilight and seed to the days of the Long Parliament. Defoe and L'Estrange, later down, were the first prominent Englishmen to fling pamphlets at the House of Commons. Swift ruled England by pamphlets. Wilberforce summoned the Church, and sought the alliance of influential classes. But O'Connell first showed a profound faith in the human tongue. He descried afar off the coming omnipotence of the press. He called the millions to his side, appreciated the infinite weight of the simple human heart and conscience, and grafted democracy into the British empire. The later Abolitionists—Buxton, Sturge, and Thompson—borrowed his method. Cobden flung it in the face of the almost omnipotent landholders of England, and broke the Tory party forever. They only haunt upper air now in the stolen garments of the Whigs. The English administration recognizes this new partner in the government, and waits to be moved on. Garrison brought the new weapon to our shores. The only wholly useful and thoroughly defensible war Christendom has seen in this century, the greatest civil and social change the English race ever saw, are the result.

This great servant and weapon, peace and constitutional government owe to O'Connell. Who has given progress a greater boon? What single agent has done as much to bless and improve the world for the last fifty years?

O'Connell has been charged with coarse, violent, and intemperate language. The criticism is of little importance. Stupor and palsy never understand life. White-livered indifference is always disgusted and annoyed by earnest conviction. Protestants criticised Luther in the same way. It took three centuries to carry us far off enough to appreciate his colossal proportions. It is a hundred years to-day since O'Connell was born. It will take another hundred to put us at such an angle as will enable us correctly to measure his stature. Premising that it would be folly to find fault with a man struggling for life because his attitudes were ungraceful, remembering the Scythian King's answer to Alexander, criticising his strange weapon,—"If you knew how precious freedom was, you would defend it even with axes,"—we must see that O'Connell's own explanation is evidently sincere and true. He found the Irish heart so cowed, and Englishmen so arrogant, that he saw it needed an independence verging on insolence, a defiance that touched extremest limits, to breathe self-respect into his own race, teach the aggressor manners, and sober him into respectful attention.

It was the same with us Abolitionists. Webster had taught the North the bated breath and crouching of a slave. It needed with us an attitude of independence that was almost insolent, it needed that we should exhaust even the Saxon vocabulary of scorn, to fitly utter the righteous and haughty contempt that honest men had for man-stealers. Only in that way could we wake the North to self-respect, or teach the South that at length she had met her equal, if not her master. On a broad canvas, meant for the public

square, the tiny lines of a Dutch interior would be invisible. In no other circumstances was the French maxim, "You can never make a revolution with rose-water," more profoundly true. The world has hardly yet learned how deep a philosophy lies hid in Hamlet's

> "Nay, an thou'lt mouth,
> I'll rant as well as thou."

O'Connell has been charged with insincerity in urging repeal, and those who defended his sincerity have leaned toward allowing that it proved his lack of common sense. I think both critics mistaken. His earliest speeches point to repeal as his ultimate object; indeed, he valued emancipation largely as a means to that end. No fair view of his whole life will leave the slightest ground to doubt his sincerity. As for the reasonableness and necessity of the measure, I think every year proves them. Considering O'Connell's position, I wholly sympathize in his profound and unshaken loyalty to the empire. Its share in the British empire makes Ireland's strength and importance. Standing alone among the vast and massive sovereignties of Europe, she would be weak, insignificant, and helpless. Were I an Irishman I should cling to the empire.

Fifty or sixty years hence, when scorn of race has vanished, and bigotry is lessened, it may be possible for Ireland to be safe and free while holding the position to England that Scotland does. But during this generation and the next, O'Connell was wise in claiming that Ireland's rights would never be safe without "home rule." A substantial repeal of the union should be every Irishman's earnest aim. Were

I their adviser, I should constantly repeat what Grattan said in 1810, "The best advice, gentlemen, I can give on all occasions is, 'Keep knocking at the union.'"

We imagine an Irishman to be only a zealot on fire. We fancy Irish spirit and eloquence to be only blind, reckless, headlong enthusiasm. But, in truth, Grattan was the soberest leader of his day, holding scrupulously back the disorderly elements, which fretted under his curb. There was one hour, at least, when a word from him would have lighted a democratic revolt throughout the empire. And the most remarkable of O'Connell's gifts was neither his eloquence nor his sagacity: it was his patience—"patience, all the passion of great souls"; the tireless patience which, from 1800 to 1820, went from town to town, little aided by the press, to plant the seeds of an intelligent and united, as well as hot patriotism. Then, after many years and long toil, waiting for rivals to be just, for prejudice to wear out, and for narrowness to grow wise, using British folly and oppression as his wand, he molded the enthusiasm of the most excitable of races, the just and inevitable indignation of four millions of Catholics, the hate of plundered poverty, priest, noble, and peasant, into one fierce though harmonious mass. He held it in careful check, with sober moderation, watching every opportunity, attracting ally after ally, never forfeiting any possible friendship, allowing no provocation to stir him to anything that would not help his cause, compelling each hottest and most ignorant of his followers to remember that "he who commits a crime helps the enemy." At last, when the hour struck, this

power was made to achieve justice for itself, and put him in London,—him, this despised Irishman, this hated Catholic, this mere demagogue and man of words, ***him***,—to hold the Tory party in one hand, and the Whig party in the other; all this without shedding a drop of blood, or disturbing for a moment the peace of the empire.

While O'Connell held Ireland in his hand, her people were more orderly, law-abiding, and peaceful than for a century before, or during any year since. The strength of this marvelous control passes comprehension. Out West I met an Irishman whose father held him up to see O'Connell address the two hundred thousand men at Tara—literally to *see*, not to hear him. I said, "But you could not all hear even his voice." "Oh, no, sir! Only about thirty thousand could hear him; but we all kept as still and silent as if we did." With magnanimous frankness O'Connell once said, "I never could have held those monster meetings without a crime, without disorder, tumult, or quarrel, except for Father Mathew's aid." Any man can build a furnace, and turn water into steam —yes, if careless, make it rend his dwelling in pieces. Genius builds the locomotive, harnesses this terrible power in iron traces, holds it with master hand in useful limits, and gives it to the peaceable service of man. The Irish people were O'Connell's locomotive; sagacious patience and moderation the genius that built it; Parliament and justice the station he reached.

Everyone who has studied O'Connell's life sees his marked likeness to Luther—the unity of both their lives; their wit; the same massive strength, even if coarse-grained; the ease with which each reached the

masses, the power with which they wielded them; the same unrivaled eloquence, fit for any audience; the same instinct of genius that led them constantly to acts which, as Voltaire said, "Foolish men call rash, but wisdom sees to be brave"; the same broad success. But O'Connell had one great element which Luther lacked—the universality of his sympathy; the far-reaching sagacity which discerned truth afar off, just struggling above the horizon; the loyal, brave, and frank spirit which acknowledged and served it; the profound and rare faith which believed that "the whole of truth can never do harm to the whole of virtue." From the serene height of intellect and judgment to which God's gifts had lifted him, he saw clearly that no one right was ever in the way of another, that injustice harms the wrong-doer even more than the victim, that whoever puts a chain on another fastens it also on himself. Serenely confident that the truth is always safe, and justice always expedient, he saw that intolerance is only want of faith. He who stifles free discussion secretly doubts whether what he professes to believe is really true. Coleridge says, "See how triumphant in debate and notion O'Connell is! Why? Because he asserts a broad principle, acts up to it, rests his body on it, and has faith in it."

Coworker with Father Mathew; champion of the Dissenters; advocating the substantial principles of the Charter, though not a Chartist; foe of the corn-laws; battling against slavery, whether in India or the Carolinas; the great democrat who in Europe seventy years ago called the people to his side; starting a movement of the people, for the people, by the people

—show me another record as broad and brave as this in the European history of our century. Where is the English statesman, where the Irish leader, who can claim one? No wonder every Englishman hated and feared him! He wounded their prejudices at every point. Whig and Tory, timid Liberal, narrow Dissenter, bitter Radical—all feared and hated this broad brave soul, who dared to follow Truth wherever he saw her, whose toleration was as broad as human nature, and his sympathy as boundless as the sea.

To show you that he never took a leaf from our American gospel of compromise; that he never filed his tongue to silence on one truth, fancying so to help another; that he never sacrificed any race to save even Ireland—let me compare him with Kossuth, whose only merits were his eloquence and his patriotism. When Kossuth was in Faneuil Hall, he exclaimed, "Here is a flag without a stain, a nation without a crime!" We Abolitionists appealed to him, "O eloquent son of the Magyar, come to break chains! have you no word, no pulse-beat, for four millions of negroes bending under a yoke ten times heavier than that of Hungary?" He answered, "I would forget anybody, I would praise anything, to help Hungary."

O'Connell never said anything like that. When I was in Naples, I asked Sir Thomas Fowell Buxton, a Tory, "Is O'Connell an honest man?" "As honest a man as ever breathed," said he, and then told me this story: "When, in 1830, O'Connell entered Parliament, the anti-slavery cause was so weak that it had only Lushington and myself to speak for it; and we agreed that when he spoke I should cheer him, and when I spoke he should cheer me; and these were the

only cheers we ever got. O'Connell came, with one Irish member to support him. A large number of members [I think Buxton said twenty-seven] whom we called the West-India interest, the Bristol party, the slave party, went to him, saying, 'O'Connell, at last you are in the House, with one helper. If you will never go down to Freemasons' Hall with Buxton and Brougham, here are twenty-seven votes for you on every Irish question. If you work with those Abolitionists, count us always against you.'"

It was a terrible temptation. How many a so-called statesman would have yielded! O'Connell said, "Gentlemen, God knows I speak for the saddest people the sun sees; but may my right hand forget its cunning, and my tongue cleave to the roof of my mouth, if to save Ireland, even Ireland, I forget the negro one single hour!" "From that day," said Buxton, "Lushington and I never went into the lobby that O'Connell did not follow us."

Some years afterward I went into Conciliation Hall, where O'Connell was arguing for repeal. He lifted from the table a thousand-pound note sent them from New Orleans, and said to be from the slave-holders of that city. Coming to the front of the platform he said: "This is a draft of one thousand pounds from the slave-holders of New Orleans, the unpaid wages of the negro. Mr. Treasurer, I suppose the treasury is empty?" The treasurer nodded to show him that it was, and he went on: "Old Ireland is very poor; but thank God she is not poor enough to take the unpaid wages of anybody. Send it back." A gentleman from Boston went to him with a letter of introduction which he sent up to him at his house

in Merrion Square. O'Connell came down to the door, as was his wont, put out both his hands, and drew him into his library. "I am glad to see you," said he; "I am always glad to see anybody from Massachusetts, a free State." "But," said the guest, "this is slavery you allude to, Mr. O'Connell. I would like to say a word to you in justification of that institution." "Very well, sir—free speech in this house; say anything you please. But before you begin to defend a man's right to own his own brother, allow me to step out and lock up my spoons."

That was the man. The ocean of his philanthropy knew no shore.

And right in this connection, let me read the following dispatch:

CINCINNATI, O., August 6.

WENDELL PHILLIPS, BOSTON:

The national conference of colored newspaper-men to the O'Connell Celebration, greeting:

*Resolved*, That it is befitting a convention of colored men assembled on the centennial anniversary of the birth of the liberator of Ireland and friend of humanity, Daniel O'Connell, to recall with gratitude his eloquent and effective pleas for the freedom of our race; and we earnestly commend his example to our countrymen.

J. C. JACKSON, *Secretary.*
PETER H. CLARK, *President.*
GEORGE T. RUBY.
LEWIS D. EASTON.

Learn of him, friends, the hardest lesson we ever have set us—that of toleration. The foremost Catholic of his age, the most stalwart champion of the Church, he was also broadly and sincerely tolerant of every faith. His toleration had no limit and no qualification.

I scorn and scout the word "toleration"; it is an insolent term. No man, properly speaking, tolerates another. I do not tolerate a Catholic, neither does he tolerate me. We are equal, and acknowledge each other's right; that is the correct statement.

That every man should be allowed freely to worship God according to his conscience, that no man's civil rights should be affected by his religious creed, were both cardinal principles of O'Connell. He had no fear that any doctrine of his faith could be endangered by the freest possible discussion.

Learn of him, also, sympathy with every race and every form of oppression. No matter who was the sufferer, or what the form of the injustice—starving Yorkshire peasant, imprisoned Chartist, persecuted Protestant, or negro slave; no matter of what right, personal or civil, the victim had been robbed; no matter what religious pretext or political juggle alleged "necessity" as an excuse for his oppression; no matter with what solemnities he had been devoted on the altar of slavery,—the moment O'Connell saw him, the altar and the god sank together in the dust, the victim was acknowledged a man and a brother, equal in all rights, and entitled to all the aid the great Irishman could give him.

I have no time to speak of his marvelous success at the bar; of that profound skill in the law which enabled him to conduct such an agitation, always on the verge of illegality and violence, without once subjecting himself or his followers to legal penalty—an agitation under a code of which Brougham said, "No Catholic could lift his hand under it without breaking the law." I have no time to speak of his still more

remarkable success in the House of Commons. Of Flood's failure there Grattan had said, "He was an oak of the forest, too old and too great to be transplanted at fifty." Grattan's own success there was but moderate. The power O'Connell wielded against varied, bitter, and unscrupulous opposition was marvelous. I have no time to speak of his personal independence, his deliberate courage, moral and physical, his unspotted private character, his unfailing hope, the versatility of his talent, his power of tireless work, his ingenuity and boundless resource, his matchless self-possession in every emergency, his ready and inexhaustible wit; but any reference to O'Connell that omitted his eloquence would be painting Wellington in the House of Lords without mention of Torres Vedras or Waterloo.

Broadly considered, his eloquence has never been equaled in modern times, certainly not in English speech. Do you think I am partial? I will vouch John Randolph of Roanoke, the Virginia slaveholder, who hated an Irishman almost as much as he hated a Yankee, himself an orator of no mean level. Hearing O'Connell, he exclaimed, "This is the man, these are the lips, the most eloquent that speak English in my day." I think he was right. I remember the solemnity of Webster, the grace of Everett, the rhetoric of Choate; I know the eloquence that lay hid in the iron logic of Calhoun; I have melted beneath the magnetism of Seargeant S. Prentiss of Mississippi, who wielded a power few men ever had. It has been my fortune to sit at the feet of the great speakers of the English tongue on the other side of the ocean. But I think all of them together never surpassed, and no one

of them ever equaled, O'Connell. Nature intended him for our Demosthenes. Never since the great Greek, has she sent forth anyone so lavishly gifted for his work as a tribune of the people. In the first place, he had a magnificent presence, impressive in bearing, massive like that of Jupiter. Webster himself hardly outdid him in the majesty of his proportions. To be sure, he had not Webster's craggy face, and precipice of brow, nor his eyes glowing like anthracite coal; nor had he the lion roar of Mirabeau. But his presence filled the eye. A small O'Connell would hardly have been an O'Connell at all. These physical advantages are half the battle.

I remember Russell Lowell telling us that Mr. Webster came home from Washington at the time the Whig party thought of dissolution a year or two before his death, and went down to Faneuil Hall to protest; drawing himself up to his loftiest proportion, his brow clothed with thunder, before the listening thousands, he said, "Well, gentlemen, I am a Whig, a Massachusetts Whig, a Faneuil-Hall Whig, a revolutionary Whig, a constitutional Whig. If you break the Whig party, sir, where am I to go?" And says Lowell, "We held our breath, thinking where he *could* go. If he had been five feet three, we should have said, 'Who cares where you go?'" So it was with O'Connell. There was something majestic in his presence before he spoke; and he added to it what Webster had not, what Clay might have lent—infinite grace, that magnetism that melts all hearts into one. I saw him at over sixty-six years of age; every attitude was beauty, every gesture grace. You could only think of a greyhound as you looked at him; it

would have been delicious to have watched him, if he had not spoken a word. Then he had a voice that covered the gamut. The majesty of his indignation, fitly uttered in tones of superhuman power, made him able to "indict" a nation, in spite of Burke's protest.

I heard him once say, "I send my voice across the Atlantic, careering like the thunderstorm against the breeze, to tell the slave-holder of the Carolinas that God's thunderbolts are hot, and to remind the bondman that the dawn of his redemption is already breaking." You seemed to hear the tones come echoing back to London from the Rocky Mountains. Then, with the slightest possible Irish brogue, he would tell a story, while all Exeter Hall shook with laughter. The next moment, tears in his voice like a Scotch song, five thousand men wept. And all the while no effort. He seemed only breathing.

> "As effortless as woodland nooks
> Send violets up, and paint them blue."

We used to say of Webster, "This is a great effort"; of Everett, "It is a beautiful effort"; but you never used the word "effort" in speaking of O'Connell. It provoked you that he would not make an effort. I heard him perhaps a score of times, and I do not think more than three times he ever lifted himself to the full sweep of his power.

And this wonderful power, it was not a thunderstorm: he flanked you with his wit, he surprised you out of yourself; you were conquered before you knew it. He was once summoned to court out of the hunting-field, when a young friend of his of humble birth was on trial for his life. The evidence gathered around a hat found by the body of the murdered man,

which was recognized as the hat of the prisoner. The lawyers tried to break down the evidence, confuse the testimony, and get some relief from the directness of the circumstances; but in vain, until at last they called for O'Connell. He came in, flung his riding-whip and hat on the table, was told the circumstances, and taking up the hat said to the witness, "Whose hat is this?" "Well, Mr. O'Connell, that is Mike's hat." "How do you know it?" "I will swear to it, sir." "And did you really find it by the murdered man?" "I did that, sir." "But you're not ready to swear that?" "I am, indeed, Mr. O'Connell." "Pat, do you know what hangs on your word? A human soul. And with that dread burden, are you ready to tell this jury that the hat, to your certain knowledge, belongs to the prisoner?" "Y-yes, Mr. O'Connell; yes, I am."

O'Connell takes the hat to the nearest window, and peers into it—"J-a-m-e-s, James. Now, Pat, did you see that name in the hat?" "I did, Mr. O'Connell." "You knew it was there?" "Yes, sir; I read it after I picked it up." "No name in the hat, your Honor."

So again in the House of Commons. When he took his seat in the House of 1830, the London *Times* visited him with its constant indignation, reported his speeches awry, turned them inside out, and made nonsense of them; treated him as the New York *Herald* used to treat us Abolitionists twenty years ago. So one morning he rose and said, "Mr. Speaker, you know I have never opened my lips in this house, and I expended twenty years of hard work in getting the right to enter it—I have never lifted my voice in this House, but in behalf of the saddest people the sun shines on.

Is it fair play, Mr. Speaker, is it what you call 'English fair play,' that the press of this city will not let my voice be heard?" The next day the *Times* sent him word that, as he found fault with their manner of reporting him, they never would report him at all, they never would print his name in their parliamentary columns. So the next day when prayers were ended, O'Connell rose. Those reporters of the *Times* who were in the gallery rose also, ostentatiously put away their pencils, folded their arms, and made all the show they could, to let everybody know how it was. Well, you know, nobody has any right to be in the gallery during the session, and if any member notices them, the mere notice clears the gallery; only the reporters can stay after that notice. O'Connell rose. One of the members said, "Before the member from Clare opens his speech, let me call his attention to the gallery and the instance of that 'passive resistance' which he is about to preach." "Thank you," said O'Connell: "Mr. Speaker, I observe strangers in the gallery." Of course they left; of course the next day, in the columns of the London *Times*, there were no parliamentary debates. And for the first time, except in Richard Cobden's case, the London *Times* cried for quarter, and said to O'Connell, "If you give up the quarrel, we will."

Later down, when he was advocating the repeal of the land law, when forty or fifty thousand people were gathered at the meeting, O'Connell was sitting at the breakfast-table. The London *Times* for that year had absolutely disgraced itself,—and that is saying a great deal,—and its reporters, if recognized, would have been torn to pieces. So, as O'Connell was breakfast-

ing, the door opened, and two or three English reporters—Gurney and, among others, our well-known friend Russell, of Bull Run notoriety—entered the room and said, "Mr. O'Connell, we are the reporters of the *Times*." "And," said Russell, "we dared not enter that crowd."

"Shouldn't think you would," replied O'Connell. "Have you had any breakfast?"

"No, sir," said he; "we hardly dared to ask for any."

"Shouldn't think you would," answered O'Connell; "sit down here." So they shared his breakfast. Then he took Bull Run in his own carriage to the place of meeting, sent for a table, and seated him by the platform, and asked him whether he had his pencils well sharpened and had plenty of paper, as he intended to make a long speech. Bull Run answered, "Yes." And O'Connell stood up, and addressed the audience in Irish.

His marvelous voice, its almost incredible power and sweetness, Bulwer has well described:

> "Once to my sight that giant form was given,
> Walled by wide air; and roofed by boundless heaven.
> Beneath his feet the human ocean lay,
> And wave on wave rolled into space away.
> Methought no clarion could have sent its sound
> Even to the center of the hosts around;
> And, as I thought, rose the sonorous swell,
> As from some church-tower swings the silvery bell.
> Aloft and clear, from airy tide to tide
> It glided, easy as a bird may glide;
> Even to the verge of that vast audience sent,
> It played with each wild passion as it went,—
> Now stirred the uproar, now the murmur stilled,
> And sobs or laughter answered as it willed."

Webster could awe a senate, Everett could charm a college, and Choate could cheat a jury; Clay could magnetize the million, and Corwin led them captive. O'Connell was Clay, Corwin, Choate, Everett, and Webster in one. Before the courts, logic; at the bar of the senate, unanswerable and dignified; on the platform, grace, wit, pathos; before the masses, a whole man. Carlyle says, "He is God's own anointed king whose single word melts all wills into his." This describes O'Connell. Emerson says, "There is no true eloquence, unless there is a man behind the speech." Daniel O'Connell was listened to because all England and all Ireland knew that there was a man behind the speech—one who could be neither bought, bullied, nor cheated. He held the masses free but willing subjects in his hand.

He owed this power to the courage that met every new question frankly, and concealed none of his convictions; to an entireness of devotion that made the people feel he was all their own; to a masterly brain that made them sure they were always safe in his hands. Behind them were ages of bloodshed: every rising had ended at the scaffold; even Grattan brought them to 1798. O'Connell said, "Follow me: put your feet where mine have trod, and a sheriff shall never lay hand on your shoulder." And the great lawyer kept his pledge.

This unmatched, long-continued power almost passes belief. You can only appreciate it by comparison. Let me carry you back to the mob-year of 1835, in this country, when the Abolitionists were hunted; when the streets roared with riot; when from Boston to Baltimore, from St. Louis to Philadelphia,

a mob took possession of every city; when private houses were invaded and public halls were burned; press after press was thrown into the river; and Lovejoy baptized freedom with his blood. You remember it. Respectable journals warned the mob that they were playing into the hands of the Abolitionists. Webster and Clay and the staff of Whig statesmen told the people that the truth floated farther on the shouts of the mob than the most eloquent lips could carry it. But law-abiding, Protestant, educated America could not be held back. Neither Whig chiefs nor respectable journals could keep these people quiet. Go to England. When the Reform Bill of 1831 was thrown out from the House of Lords, the people were tumultuous; and Melbourne and Grey, Russell and Brougham, Lansdowne, Holland, and Macaulay, the Whig chiefs, cried out, "Don't violate the law: you help the Tories! Riots put back the bill." But quiet, sober John Bull, law-abiding, could not do without it. Birmingham was three days in the hands of a mob; castles were burned; Wellington ordered the Scots Greys to rough-grind their swords as at Waterloo. This was the Whig aristocracy of England. O'Connell had neither office nor title. Behind him were three million people steeped in utter wretchedness, sore with the oppression of centuries, ignored by statute.

For thirty restless and turbulent years he stood in front of them, and said, "Remember, he that commits a crime helps the enemy." And during that long and fearful struggle, I do not remember one of his followers ever being convicted of a political offense, and during this period crimes of violence were very

rare. There is no such record in our history. Neither in classic nor in modern times can the man be produced who held a million of people in his right hand so passive. It was due to the consistency and unity of a character that had hardly a flaw. I do not forget your soldiers, orators, or poets—any of your leaders. But when I consider O'Connell's personal disinterestedness,—his rare, brave fidelity to every cause his principles covered, no matter how unpopular, or how embarrassing to his main purpose,—that clear, far-reaching vision, and true heart which, on most moral and political questions, set him so much ahead of his times; his eloquence, almost equally effective in the courts, in the senate, and before the masses; that sagacity which set at naught the malignant vigilance of the whole imperial bar, watching thirty years for a misstep; when I remember that he invented his tools, and then measure his limited means with his vast success, bearing in mind its nature; when I see the sobriety and moderation with which he used his measureless power, and the lofty, generous purpose of his whole life,—I am ready to affirm that he was, all things considered, the greatest man the Irish race ever produced.

## *THE COMMEMORATIVE ORATION.*

### CHAUNCEY M. DEPEW.

*Born 1834.*

### THE ONE HUNDREDTH ANNIVERSARY OF THE INAUGURATION OF PRESIDENT WASHINGTON.

[The one hundreth anniversary of the inauguration of President Washington was celebrated in New York City, April 29 and 30 and May 1, 1889, with appropriate ceremonies. The first of these days was devoted to a naval parade and a ball given at the Metropolitan Opera House. On the morning of the second, after services in St. Paul's Chapel, which Washington had attended before he was inaugurated, literary exercises were held on the site of the old Federal Hall, where the oath of office had been administered. In the afternoon there was a great land parade of soldiery and in the evening a banquet given by the city to the visiting guests, who included the President and Vice-President of the United States, two ex-Presidents, the judges of the Supreme Court, and the governors of many States. At the literary exercises of this day, after the reading of a poem written for the occasion by Whittier, Mr. Depew delivered this oration.

The oration is here reprinted, through the courtesy of Mr. Depew and with the permission of the Cassell Publishing Company, from Mr. Depew's *Orations and After-Dinner Speeches.*]

We celebrate to-day the Centenary of our Nationality. One hundred years ago the United States began their existence. The powers of government were assumed by the people of the Republic, and they became the sole source of authority. The solemn cere-

monial of the first inauguration, the reverent oath of Washington, the acclaim of the multitude greeting their President, marked the most unique event of modern times in the development of free institutions.

The occasion was not an accident, but a result. It was the culmination of the working out, by mighty forces through many centuries, of the problem of self-government. It was not the triumph of a system, the application of a theory, or the reduction to practice of the abstractions of philosophy. The time, the country, the heredity and environment of the people, and the folly of its enemies, and the noble courage of its friends, gave to liberty, after ages of defeat, of trial, of experiment, of partial success and substantial gains, this immortal victory. Henceforth it had a refuge and recruiting station. The oppressed found free homes in this favored land, and invisible armies marched from it by mail and telegraph, by speech and song, by precept and example, to regenerate the world.

Puritans in New England, Dutchmen in New York, Catholics in Maryland, Huguenots in South Carolina, had felt the fires of persecution and were wedded to religious liberty. They had been purified in the furnace, and in high debate and on bloody battle-fields had learned to sacrifice all material interests and to peril their lives for human rights. The principles of constitutional government had been impressed upon them by hundreds of years of struggle, and for each principle they could point to the grave of an ancestor whose death attested the ferocity of the fight and the value of the concession wrung from arbitrary power. They knew the limitations of authority; they could pledge their lives and fortunes to resist encroach-

ments upon their rights; but it required the lesson of Indian massacres, the invasion of the armies of France from Canada, the tyranny of the British Crown, the seven years' war of the Revolution, and the five years of chaos of the Confederation, to evolve the idea upon which rest the power and permanency of the Republic, that liberty and union are one and inseparable.

The traditions and experience of the colonists had made them alert to discover, and quick to resist, any peril to their liberties. Above all things, they feared and distrusted power. The town meeting and the colonial legislature gave them confidence in themselves and courage to check the royal governors. Their interests, hopes, and affections were in their several commonwealths, and each blow by the British Ministry at their freedom, each attack upon their rights as Englishmen, weakened their love for the Motherland and intensified their hostility to the Crown. But the same causes which broke down their allegiance to the Central Government increased their confidence in their respective colonies, and their faith in liberty was largely dependent upon the maintenance of the sovereignty of their several States. The farmer's shot at Lexington echoed round the world; the spirit which it awakened from its slumbers could do and dare and die; but it had not yet discovered the secret of the permanence and progress of free institutions. Patrick Henry thundered in the Virginia convention; James Otis spoke with trumpet tongue and fervid eloquence for united action in Massachusetts; Hamilton, Jay, and Clinton pledged New York to respond with men and money for the common cause; but their vision only saw a league of

independent colonies. The veil was not yet drawn from before the vista of population and power, of empire and liberty, which would open with National Union.

The Continental Congress partially grasped, but completely expressed, the central idea of the American Republic. More fully than any other that ever assembled did it represent the victories won from arbitrary power for human rights. In the New World it was the conservator of liberties secured through centuries of struggle in the Old. Among the delegates were the descendants of the men who had stood in the brilliant array upon the field of Runnymede, which wrested from King John Magna Charta, that great charter of liberty, to which Hallam, in the nineteenth century, bears witness "that all which has been since obtained is little more than a confirmation or commentary." There were the grandchildren of the statesmen who had summoned Charles before Parliament and compelled his assent to the Petition of Rights which transferred power from the Crown to the Commons, and gave representative government to the English-speaking race. And there were those who had sprung from the iron soldiers who had fought and charged with Cromwell at Naseby and Dunbar and Marston Moor. Among its members were Huguenots, whose fathers had followed the White Plume of Henry of Navarre, and in an age of bigotry, intolerance, and the deification of absolutism, had secured the great edict of religious liberty from French despotism, and who had become a people without a country rather than surrender their convictions and forswear their consciences. In this Congress were those whose ancestors were

the countrymen of William of Orange, the Beggars of the Sea, who had survived the cruelties of Alva and broken the yoke of proud Philip of Spain, and who had two centuries before made a declaration of independence and formed a federal union which were models of freedom and strength.

These men were not revolutionists, they were the heirs and the guardians of the priceless treasures of mankind. The British King and his Ministers were the revolutionists. They were reactionaries, seeking arbitrarily to turn back the hands upon the dial of time. A year of doubt and debate, the baptism of blood upon the battle-fields, where soldiers from every colony fought under a common standard, and consolidated the Continental Army, gradually lifted the soul and understanding of this immortal Congress to the sublime declaration: "We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States."

To this Declaration John Hancock, proscribed and threatened with death, affixed a signature which has stood for a century like the pointers to the North Star in the firmament of freedom, and Charles Carroll, taunted that, among many Carrolls, he, the richest man in America, might escape, added description and identification with "of Carrollton." Benjamin Harrison, a delegate from Virginia, the ancestor of the distinguished statesman and soldier who to-day so

worthily fills the chair of Washington, voiced the unalterable determination and defiance of the Congress. He seized John Hancock, upon whose head a price was set, in his arms, and placing him in the Presidential chair, said: "We will show Mother Britain how little we care for her, by making our President a Massachusetts man, whom she has excluded from pardon by public proclamation"; and when they were signing the Declaration, and the slender Elbridge Gerry uttered the grim pleasantry, "We must hang together, or surely we will hang separately," the portly Harrison responded with the more daring humor, "It will be all over with me in a moment; but you will be kicking in the air half an hour after I am gone." Thus flashed athwart the great Charter, which was to be for its signers a death-warrant or a diploma of immortality, as with firm hand, high purpose, and undaunted resolution, they subscribed their names, this mockery of fear and the penalties of treason.

The grand central idea of the Declaration of Independence was the sovereignty of the People. It relied for original power, not upon States or colonies, or their citizens as such, but recognized as the authority for nationality the revolutionary rights of the people of the United States. It stated with marvelous clearness the encroachments upon liberties which threatened their suppression and justified revolt, but it was inspired by the very genius of freedom, and the prophetic possibilities of united commonwealths covering the continent in one harmonious republic, when it made the people of the thirteen colonies all Americans, and devolved upon them to administer,

by themselves and for themselves, the prerogatives and powers wrested from Crown and Parliament. It condensed Magna Charta, the Petition of Rights, the great body of English liberties embodied in the common law and accumulated in the decisions of the courts, the statutes of the realm, and an undisputed though unwritten Constitution; but this original principle and dynamic force of the people's power sprang from these old seeds planted in the virgin soil of the New World.

More clearly than any statesman of the period did Thomas Jefferson grasp and divine the possibilities of popular government. He caught and crystallized the spirit of free institutions. His philosophical mind was singularly free from the power of precedents or the chains of prejudice. He had an unquestioning and abiding faith in the people, which was accepted by but few of his compatriots. Upon his famous axiom of the equality of all men before the law, he constructed his system. It was the trip-hammer essential for the emergency to break the links binding the colonies to imperial authority, and to pulverize the privileges of caste. It inspired him to write the Declaration of Independence, and persuaded him to doubt the wisdom of the powers concentrated in the Constitution. In his passionate love of liberty he became intensely jealous of authority. He destroyed the substance of royal prerogative, but never emerged from its shadow. He would have the States as the guardians of popular rights, and the barriers against centralization, and he saw in the growing power of the nation ever-increasing encroachments upon the rights of the people. For the success of the pure de-

mocracy which must precede presidents and cabinets and congresses, it was perhaps providential that its apostle never believed a great people could grant and still retain, could give and at will reclaim, could delegate and yet firmly hold, the authority which ultimately created the power of their republic and enlarged the scope of their own liberty.

Where this master-mind halted, all stood still. The necessity for a permanent union was apparent; but each State must have hold upon the bowstring which encircled its throat. It was admitted that union gave the machinery required to successfully fight the common enemy; but yet there was fear that it might become a Frankenstein and destroy its creators. Thus patriotism and fear, difficulties of communication between distant communities, and the intense growth of provincial pride and interests, led this Congress to frame the Articles of Confederation, happily termed the League of Friendship The result was not a government, but a ghost. By this scheme the American people were ignored and the Declaration of Independence reversed. The States, by their legislatures, elected delegates to Congress, and the delegate represented the sovereignty of his commonwealth.

All the States had an equal voice, without regard to their size or population. It required the vote of nine States to pass any bill, and five could block the wheels of government. Congress had none of the powers essential to sovereignty. It could neither levy taxes nor impose duties nor collect excise. For the support of the Army and Navy, for the purposes of war, for the preservation of its own functions, it could only call upon the States, but it possessed no power to enforce

its demands. It had no president or executive authority, no supreme court with general jurisdiction, and no national power. Each of the thirteen States had seaports and levied discriminating duties against the others, and could also tax and thus prohibit interstate commerce across its territory. Had the Confederation been a Union instead of a League, it could have raised and equipped three times the number of men contributed by reluctant States, and conquered independence without foreign assistance. This paralyzed government—without strength, because it could not enforce its decrees; without credit, because it could pledge nothing for the payment of its debts; without respect, because without inherent authority—would, by its feeble life and early death, have added another to the historic tragedies which have in many lands marked the suppression of freedom, had it not been saved by the intelligent, inherited, and invincible understanding of liberty by the people, and the genius and patriotism of their leaders.

But while the perils of war had given temporary strength to the Confederation, peace developed its fatal weakness. It derived no authority from the people, and could not appeal to them. Anarchy threatened its existence at home, and contempt met its representatives abroad.

"Can you fulfill or enforce the obligations of the treaty on your part if we sign one with you?" was the sneer of the courts of the Old World to our ambassadors. Some States gave a half-hearted support to its demands; others defied them. The loss of public credit was speedily followed by universal bankruptcy. The wildest fantasies assumed the force of serious

measures for the relief of the general distress. States passed exclusive and hostile laws against each other, and riot and disorder threatened the disintegration of society. "Our stock is stolen, our houses are plundered, our farms are raided," cried a delegate in the Massachusetts convention; "despotism is better than anarchy!" To raise four millions of dollars a year was beyond the resources of the Government, and three hundred thousand was the limit of the loan it could secure from the money-lenders of Europe. Even Washington exclaimed in despair: "I see one head gradually changing into thirteen; I see one army gradually branching into thirteen; which, instead of looking up to Congress as the supreme controlling power, are considering themselves as depending on their respective States." And later, when independence had been won, the impotency of the Government wrung from him the exclamation: "After gloriously and successfully contending against the usurpation of Great Britain, we may fall a prey to our own folly and disputes."

But even through this Cimmerian darkness shot a flame which illumined the coming century, and kept bright the beacon-fires of liberty. The architects of constitutional freedom formed their institutions with wisdom which forecasted the future. They may not have understood at first the whole truth; but, for that which they knew, they had the martyrs' spirit and the crusaders' enthusiasm. Though the Confederation was a government of checks without balances, and of purpose without power, the statesmen who guided it demonstrated often the resistless force of great souls animated by the purest patriotism; and united in

judgment and effort to promote the common good, by lofty appeals and high reasoning, to elevate the masses above local greed and apparent self-interest to their own broad plane.

The most significant triumph of these moral and intellectual forces was that which secured the assent of the States to the limitation of their boundaries, to the grant of the wilderness beyond them to the General Government, and to the insertion in the ordinance erecting the Northwest Territory of the immortal proviso prohibiting "slavery or involuntary servitude" within all that broad domain. The States carved out of this splendid concession were not sovereignties which had successfully rebelled, but they were the children of the Union, born of the covenant and thrilled with its life and liberty. They became the bulwarks of nationality and the buttresses of freedom. Their preponderating strength first checked and then broke the slave power; their fervid loyalty halted and held at bay the spirit of State rights and secession for generations; and when the crisis came, it was with their overwhelming assistance that the nation killed and buried its enemy. The corner stone of the edifice whose centenary we are celebrating was the Ordinance of 1787. It was constructed by the feeblest of congresses, but few enactments of ancient or modern times have had more far-reaching and beneficent influence. It is one of the sublimest paradoxes of history that this weak Confederation of States should have welded the chain against which, after seventy-four years of fretful efforts for release, its own spirit frantically dashed and died.

The government of the Republic by a Congress of

States, a diplomatic convention of the ambassadors of petty commonwealths, after seven years' trial, was falling asunder. Threatened with civil war among its members, insurrection and lawlessness rife within the States, foreign commerce ruined and internal trade paralyzed, its currency worthless, its merchants bankrupt, its farms mortgaged, its markets closed, its labor unemployed, it was like a helpless wreck upon the ocean, tossed about by the tides and ready to be engulfed in the storm. Washington gave the warning and called for action. It was a voice accustomed to command, but not entreat. The veterans of the war and the statesmen of the Revolution stepped to the front. The patriotism which had been misled, but had never faltered, rose above the interests of the States and the jealousies of jarring confederates to find the basis for union. "It is clear to me as A B C," said Washington, "that an extension of federal powers would make us one of the most happy, wealthy, respectable, and powerful nations that ever inhabited the terrestrial globe. Without them we shall soon be everything which is the direct reverse. I predict the worst consequences from a half-starved, limping government, always moving upon crutches and tottering at every step." The response of the country was the Convention of 1787, at Philadelphia. The Declaration of Independence was but the vestibule of the temple which this illustrious assembly erected. With no successful precedents to guide, it auspiciously worked out the problem of constitutional government, and of imperial power and home rule supplementing each other in promoting the grandeur of the nation and preserving the liberty of the individual.

The deliberations of great councils have vitally affected, at different periods, the history of the world and the fate of empires; but this Congress builded, upon popular sovereignty, institutions broad enough to embrace the continent, and elastic enough to fit all conditions of race and traditions. The experience of a hundred years has demonstrated for us the perfection of the work for defense against foreign foes, and for self-preservation against domestic insurrection, for limitless expansion in population and material development, and for steady growth in intellectual freedom and force. Its continuing influence upon the welfare and destiny of the human race can only be measured by the capacity of man to cultivate and enjoy the boundless opportunities of liberty and law. The eloquent characterization of Mr. Gladstone condenses its merits: "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

The statesmen who composed this great senate were equal to their trust. Their conclusions were the result of calm debate and wise concession. Their character and abilities were so pure and great as to command the confidence of the country for the reversal of the policy of the independence of the State of the power of the General Government, which had hitherto been the invariable practice and almost universal opinion, and for the adoption of the idea of the nation and its supremacy.

Towering in majesty and influence above them all stood Washington, their president. Beside him was the venerable Franklin, who, though eighty-one years of age, brought to the deliberation of the Convention

the unimpaired vigor and resources of the wisest brain, the most hopeful philosophy, and the largest experience of the times. Oliver Ellsworth, afterward Chief Justice of the United States, and the profoundest jurist in the country; Robert Morris, the wonderful financier of the Revolution, and Gouverneur Morris, the most versatile genius of his period; Roger Sherman, one of the most eminent of the signers of the Declaration of Independence, and John Rutledge, Rufus King, Elbridge Gerry, Edmund Randolph, and the Pinckneys, were leaders of unequaled patriotism, courage, ability, and learning; while Alexander Hamilton and James Madison, as original thinkers and constructive statesmen, rank among the immortal few whose opinions have for ages guided ministers of state, and determined the destinies of nations.

This great convention keenly felt, and with devout and serene intelligence met its tremendous responsibilities. It had the moral support of the few whose aspirations for liberty had been inspired or renewed by the triumph of the American Revolution, and the active hostility of every government in the world.

There were no examples to follow, and the experience of its members led part of them to lean toward absolute centralization as the only refuge from the anarchy of the Confederation, while the rest clung to the sovereignty of the States, for fear that the concentration of power would end in the absorption of liberty. The large States did not want to surrender the advantage of their position, and the smaller States saw the danger to their existence. The Leagues of the Greek cities had ended in loss of freedom, tyranny, conquest, and destruction. Roman conquest and

assimilation had strewn the shores of time with the wrecks of empires, and plunged civilization into the perils and horrors of the Dark Ages. The government of Cromwell was the isolated power of the mightiest man of his age, without popular authority to fill his place or the hereditary principle to protect his successor.

The past furnished no light for our state-builders; the present was full of doubt and despair. The future, the experiment of self-government, the perpetuity and development of freedom, almost the destiny of mankind, was in their hands.

At this crisis the courage and confidence needed to originate a system weakened. The temporizing spirit of compromise seized the Convention, with the alluring proposition of not proceeding faster than the people could be educated to follow. The cry, "Let us not waste our labor upon conclusions which will not be adopted, but amend and adjourn," was assuming startling unanimity. But the supreme force and majestic sense of Washington brought the assemblage to the lofty plane of its duty and opportunity. He said: "It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and honest can repair; the event is in the hands of God." "I am the state," said Louis XIV.; but his line ended in the grave of absolutism. "Forty centuries look down upon you," was Napoleon's address to his army, in the shadow of the Pyramids; but his soldiers saw the dream of Eastern Empire vanish in

blood. Statesmen and parliamentary leaders have sunk into oblivion, or led their party to defeat, by surrendering their convictions to the passing passions of the hour; but Washington, in his immortal speech, struck the keynote of representative obligation, and propounded the fundamental principle of the purity and perpetuity of constitutional government.

Freed from the limitations of its environment, and the question of the adoption of its work, the Convention erected its government upon the eternal foundations of the power of the people.

It dismissed the delusive theory of a compact between independent States, and derived national power from the people of the United States. It broke up the machinery of the Confederation, and put in practical operation the glittering generalities of the Declaration of Independence. From chaos came order, from insecurity came safety, from disintegration and civil war came law and liberty, with the principle proclaimed in the preamble of the great charter: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States." With a wisdom inspired of God, to work out upon this continent the liberty of man, they solved the problem of the ages by blending, and yet preserving, local self-government with national authority, and the rights of the States with the majesty and power of the Republic. The government of the States, under the Articles of the Confederation, became bankrupt because it could not

raise four millions of dollars; the government of the Union, under the Constitution of the United States, raised six thousand millions of dollars, its credit growing firmer as its power and resources were demonstrated. The Congress of the Confederation fled from a regiment which it could not pay; the Congress of the Union reviewed the comrades of a million of its victorious soldiers, saluting as they marched the flag of the nation whose supremacy they had sustained. The promises of the Confederacy were the scoff of its States; the pledge of the Republic was the honor of its people.

The Constitution, which was to be strengthened by the strain of a century, to be a mighty conqueror without a subject province, to triumphantly survive the greatest of civil wars without the confiscation of an estate or the execution of a political offender, to create and grant home rule and state sovereignty to twenty-nine additional commonwealths, and yet enlarge its scope and broaden its power, and to make the name of an American citizen a title of honor throughout the world, came complete from the great Convention to the people for adoption. As Hancock rose from his seat in the old Congress, eleven years before, to sign the Declaration of Independence, Franklin saw emblazoned on the back of the President's chair the sun partly above the horizon, but it seemed setting in a blood-red sky. During the seven years of the Confederation he had gathered no hope from the glittering emblem, but now as with clear vision he beheld fixed upon eternal foundations the enduring structure of constitutional liberty, pointing to the sign, he forgot his eighty-two years, and, with the enthusiasm of

youth, electrified the Convention with the declaration: "Now I know that it is the rising sun."

The pride of the States and the ambition of their leaders, sectional jealousies and the overwhelming distrust of centralized power, were all arrayed against the adoption of the Constitution. North Carolina and Rhode Island refused to join the Union until long after Washington's inauguration. For months New York was debatable ground. Her territory, extending from the sea to the lakes, made her the keystone of the arch. Had Arnold's treason in the Revolution not been foiled by the capture of André, England would have held New York and subjugated the colonies; and in this crisis, unless New York assented, a hostile and powerful commonwealth dividing the States made the Union impossible.

Success was due to confidence in Washington and the genius of Alexander Hamilton. Jefferson was the inspiration of Independence, but Hamilton was the incarnation of the Constitution. In no age or country has there appeared a more precocious or amazing intelligence than Hamilton's. At seventeen he annihilated the president of his college, upon the question of rights of the colonies, in a series of anonymous articles which were credited to the ablest men in the country; at forty-seven, when he died, his briefs had become the law of the land, and his fiscal system was, and after a hundred years remains, the rule and policy of our Government. He gave life to the corpse of national credit, and the strength for self-preservation and aggressive power to the Federal Union. Both as an expounder of the principles and an administrator of the affairs of the Government he stands supreme and

unrivaled in American history. His eloquence was so magnetic, his language so clear, and his reasoning so irresistible that he swayed with equal ease popular assemblies, grave senates, and learned judges. He captured the people of the whole country for the Constitution by his papers in *The Federalist*, and conquered the hostile majority in the New York Convention by the splendor of his oratory.

But the multitudes whom no argument could convince, who saw in the executive power and centralized force of the Constitution, under another name, the dreaded usurpation of king and ministry, were satisfied only with the assurance, "Washington will be President." "Good," cried John Lamb, the able leader of the Sons of Liberty, as he dropped his opposition; "for to no other mortal would I trust authority so enormous." "Washington will be President," was the battle-cry of the Constitution. It quieted alarm, and gave confidence to the timid and courage to the weak.

The country responded with enthusiastic unanimity, but the Chief with the greatest reluctance. In the supreme moment of victory, when the world expected him to follow the precedents of the past, and perpetuate the power a grateful country would willingly have left in his hands, he had resigned and retired to Mount Vernon to enjoy in private station his well-earned rest. The Convention created by his exertions to prevent, as he said, "the decline of our federal dignity into insignificant and wretched fragments of empire," had called him to preside over its deliberations. Its work made possible the realization of his hope that "we might survive as an independent republic," and

again he sought the seclusion of his home. But after the triumph of war, and the formation of the Constitution came the third and final crisis; the initial movements of government which were to teach the infant state the steadier steps of empire.

He alone could stay assault and inspire confidence while the great and complicated machinery of organized government was put in order and set in motion. Doubt existed nowhere except in his modest and unambitious heart. "My movements to the chair of government," he said, "will be accompanied with feelings not unlike those of a culprit who is going to the place of his execution. So unwilling am I, in the evening of life, nearly consumed in public cares, to quit a peaceful abode for an ocean of difficulties, without that competency of political skill, abilities, and inclination, which are necessary to manage the helm." His whole life had been spent in repeated sacrifices for his country's welfare, and he did not hesitate now, though there is an undertone of inexpressible sadness in this entry in his diary on the night of his departure:

"About ten o'clock I bade adieu to Mount Vernon, to private life, and to domestic felicity, and with a mind oppressed with more anxious and painful sensations than I have words to express, set out for New York with the best disposition to render service to my country in obedience to its call, but with less hope of answering its expectations."

No conqueror was ever accorded such a triumph, no ruler ever received such a welcome. In this memorable march of six days to the Capitol, it was the pride of the States to accompany him with the masses of their people to their borders, that the citizens of the

next commonwealth might escort him through its territory. It was the glory of the cities to receive him with every civic honor at their gates, and entertain him as the savior of their liberties. He rode under triumphal arches from which children lowered laurel wreaths upon his brow. The roadways were strewn with flowers, and, as they were crushed beneath his horse's hoofs, their sweet incense wafted to Heaven the ever-ascending prayers of his loving countrymen for his life and safety. The swelling anthem of gratitude and reverence greeted and followed him along the country-side and through the crowded streets: "Long live George Washington! Long live the Father of his People!"

His entry into New York was worthy the city and State. He was met by the chief officers of the retiring Government of the country, by the Governor of the Commonwealth, and the whole population. This superb harbor was alive with fleets and flags; and the ships of other nations, with salutes from their guns, and the cheers of their crews, added to the joyous acclaim.

But as the captains, who had asked the privilege, bending proudly to their oars, rowed the President's barge swiftly through these inspiring scenes, Washington's mind and heart were full of reminiscence and foreboding.

He had visited New York thirty-three years before, also in the month of April, in the full perfection of his early manhood, fresh from Braddock's bloody field, and wearing the only laurels of the battle, bearing the prophetic blessing of the venerable President Davies, of Princeton College, as "That heroic youth, Colonel

Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner for some important service to the country." It was a fair daughter of our State whose smiles allured him here, and whose coy confession that her heart was another's recorded his only failure, and saddened his departure. Twenty years passed, and he stood before the New York Congress, on this very spot, the unanimously chosen Commander-in-Chief of the Continental Army, urging the people to more vigorous measures, and made painfully aware of the increased desperation of the struggle, from the aid to be given to the enemy by domestic sympathizers, when he knew that the same local military company which escorted him was to perform the like service for the British Governor Tryon on his landing on the morrow. Returning for the defense of the city the next summer, he executed the retreat from Long Island, which secured from Frederick the Great the opinion that a great commander had appeared, and at Harlem Heights he won the first American victory of the Revolution, which gave that confidence to our raw recruits against the famous veterans of Europe which carried our army triumphantly through the war. Six years more of untold sufferings, of freezing and starving camps, of marches over the snow by barefooted soldiers to heroic attack and splendid victory, of despair with an unpaid army, and of hope from the generous assistance of France, and peace had come and independence triumphed. As the last soldier of the invading enemy embarks, Washington at the head of the patriot host enters the city, receives the welcome and gratitude of its people, and in the tavern which faces us across the

way, in silence more eloquent than speech, and with tears which choke the words, he bids farewell forever to his companions in arms. Such were the crowding memories of the past suggested to Washington in 1789 by his approach to New York. But the future had none of the splendor of precedent and brilliance of promise which have since attended the inauguration of our presidents. An untried scheme, adopted mainly because its administration was to be confided to him, was to be put in practice. He knew that he was to be met at every step of constitutional progress by factions temporarily hushed into unanimity by the terrific force of the tidal wave which was bearing him to the President's seat, but fiercely hostile upon questions affecting every power of nationality and the existence of the Federal Government.

Washington was never dramatic, but on great occasions he not only rose to the full ideal of the event, he became himself the event. One hundred years ago to-day the procession of foreign ambassadors, of statesmen and generals, of civic societies and military companies, which escorted him, marched from Franklin Square to Pearl Street, through Pearl to Broad to this spot; but the people saw only Washington. As he stood upon the steps of the old Government Building here, the thought must have occurred to him that it was a cradle of liberty, and as such giving a bright omen for the future.

In these halls, in 1735, in the trial of John Zenger, had been established, for the first time in its history, the liberty of the press. Here the New York Assembly, in 1764, made the protest against the Stamp Act, and proposed the General Conference, which was the

beginning of the united colonial action. In this old State House, in 1765, the Stamp Act Congress—the first and the father of American congresses—assembled and presented to the English government that vigorous protest which caused the repeal of the Act, and checked the first step toward the usurpation which lost the American Colonies to the British Empire. Within these walls the Congress of the Confederation had commissioned its ambassadors abroad, and in ineffectual efforts at government had created the necessity for the concentration of Federal authority, now to be consummated.

The first Congress of the United States, gathered in this ancient temple of liberty, greeted Washington and accompanied him to the balcony. The famous men visible about him were Chancellor Livingston, Vice-President John Adams, Alexander Hamilton, Governor Clinton, Roger Sherman, Richard Henry Lee, General Knox, and Baron Steuben. But we believe that among the invisible host above him at this supreme moment of the culmination in permanent triumph of the thousands of years of struggle for self-government, were the spirits of soldiers of the Revolution who had died that their countrymen might enjoy this blessed day, and with them were the Barons of Runnymede, and William the Silent, and Sidney, and Russell, and Cromwell, and Hampden, and the heroes and martyrs of liberty of every race and age.

As he came forward, the multitude in the streets, in the windows, and on the roofs sent up such a rapturous shout that Washington sat down, overcome with emotion. As he slowly rose, and his tall and majestic form again appeared, the people, deeply affected, in

awed silence viewed the scene. The chancellor solemnly read to him the oath of office, and Washington, repeating, said: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." Then he reverently bent low and kissed the Bible, uttering with profound emotion, "So help me, God." The chancellor waved his robes and shouted: "It is done. Long live George Washington, President of the United States!" "Long live George Washington, our first President!" was the answering cheer of the people, and from the belfries rang the bells, and from forts and ships thundered the cannon, echoing and repeating the cry with responding acclaim all over the land: "Long live George Washington, President of the United States!"

The simple and imposing ceremony over, the inaugural read, the blessing of God prayerfully petitioned in old St. Paul's, the festivities passed: and Washington stood alone. No one else could take the helm of State, and enthusiast and doubter alike trusted only him. The teachings and habits of the past had educated the people to faith in the independence of their States; and for the supreme authority of the new Government there stood, against the precedent of a century and the passions of the hour, little beside the arguments of Hamilton, Madison, and Jay in *The Federalist*, and the judgment of Washington.

With the first attempt to exercise national power began the duel to the death between State Sovereignty, claiming the right to nullify federal laws or secede from the Union, and the power of the Repub-

lic to command the resources of the country, to enforce its authority, and protect its life. It was the beginning of the sixty-years' war for the Constitution and the nation. It seared consciences, degraded politics, destroyed parties, ruined statesmen, and retarded the advance and development of the country; it sacrificed hundreds of thousands of precious lives, and squandered thousands of millions of money; it desolated the fairest portion of the land and carried mourning into every home North and South; but it ended at Appomattox in the absolute triumph of the Republic.

Posterity owes to Washington's Administration the policy and measures, the force and direction which made possible this glorious result. In giving the organization of the Department of State and Foreign Relations to Jefferson, the Treasury to Hamilton, and the Supreme Court to Jay, he selected for his Cabinet and called to his assistance the ablest and most eminent men of his time. Hamilton's marvelous versatility and genius designed the armory and the weapons for the promotion of national power and greatness, but Washington's steady support carried them through. Parties crystallized, and party passions were intense, debates were intemperate, and the Union openly threatened and secretly plotted against, as the firm pressure of this mighty personality funded the debt and established credit; assumed the State debts incurred in the War of the Revolution, and superseded the local by the national obligation; imposed duties upon imports and excise upon spirits, and created revenue and resources; organized a National Banking system for public needs and private business, and called out an army to put down by force of arms re-

sistance to the Federal laws imposing unpopular taxes. Upon the plan marked out by the Constitution this great architect, with unfailing faith and unfaltering courage, builded the Republic. He gave to the Government the principles of action and sources of power which carried it successfully through the wars with Great Britain in 1812 and Mexico in 1848, which enabled Jackson to defeat nullification, and recruited and equipped millions of men for Lincoln, and justified and sustained his Proclamation of Emancipation.

The French Revolution was the bloody reality of France and the nightmare of the civilized world. The tyranny of centuries culminated in frightful reprisals and reckless revenges. As parties rose to power and passed to the guillotine, the frenzy of the revolt against all authority reached every country and captured the imaginations and enthusiasm of millions in every land, who believed they saw that the madness of anarchy, the overturning of all institutions, the confiscation and distribution of property, would end in a millennium for the masses and the universal brotherhood of man. Enthusiasm for France, our late ally, and the terrible commercial and industrial distress occasioned by the failure of the Government under the Articles of Confederation, aroused an almost unanimous cry for the young Republic, not yet sure of its existence, to plunge into the vortex. The ablest and purest statesmen of the time bent to the storm, but Washington was unmoved. He stood like the rock-ribbed coast of a continent between the surging billows of fanaticism and the child of his love. Order is Heaven's first law, and the mind of Washington was order. The Revolution defied God and derided the law. Washing-

ton devoutly reverenced the Deity, and believed liberty impossible without law. He spoke to the sober judgment of the nation and made clear the danger. He saved the ancient Government from ruin, and expelled the French Minister who had appealed from him to the people. The whole land, seeing safety only in his continuance in office, joined Jefferson in urging him to accept a second term. "North and South," pleaded the Secretary, "will hang together while they have you to hang to."

No man ever stood for so much to his country and to mankind as George Washington. Hamilton, Jefferson, and Adams, Madison, and Jay, each represented some of the elements which formed the Union: Washington embodied them all. They fell at times under popular disapproval, were burned in effigy, were stoned; but he with unerring judgment was always the leader of the people. Milton said of Cromwell, that "war made him great, peace greater." The superiority of Washington's character and genius was more conspicuous in the formation of our Government and in putting it on indestructible foundations, than in leading armies to victory and conquering the independence of his country. "The Union in any event" is the central thought of his Farewell Address; and all the years of his grand life were devoted to its formation and preservation. He fought as a youth with Braddock and in the capture of Fort Du Quesne for the protection of the whole country. As Commander-in-chief of the Continental Army, his commission was from the Congress of the United Colonies. He inspired the movement for the Republic, was the President and dominant spirit of the Conven-

tion which framed its Constitution, and its President for eight years, and guided its course until satisfied that moving safely along the broad highway of time, it would be surely ascending toward the first place among the nations of the world, the asylum of the oppressed, the home of the free.

Do his countrymen exaggerate his virtues? Listen to Guizot, the historian of civilization: "Washington did the two greatest things which in politics it is permitted to man to attempt. He maintained by peace the independence of his country which he conquered by war. He founded a free government in the name of the principles of order and by re-establishing their sway." Hear Lord Erskine, the most famous of English advocates: "You are the only being for whom I have an awful reverence." Remember the tribute of Charles James Fox, the greatest parliamentary orator who ever swayed the British House of Commons: "Illustrious man, before whom all borrowed greatness sinks into insignificance." Contemplate the character of Lord Brougham, pre-eminent for two generations in every department of human activity and thought, and then impress upon the memories of your children his deliberate judgment: "Until time shall be no more, will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington."

Chatham, who, with Clive, conquered an empire in the East, died broken-hearted at the loss of the empire in the West, by follies which even his power and eloquence could not prevent. Pitt saw the vast creations of his diplomacy shattered at Austerlitz, and fell murmuring: "My country! how I leave my country!"

Napoleon caused a noble tribute to Washington to be read at the head of his armies; but, unable to rise to Washington's greatness, witnessed the vast structure erected by conquest and cemented by blood, to minister to his own ambition and pride, crumble into fragments, and an exile and a prisoner he breathed his last, babbling of battle-fields and carnage. Washington, with his finger upon his pulse, felt the presence of death, and calmly reviewing the past and forecasting the future, answered to the summons of the grim messenger, "It is well"; and as his mighty soul ascended to God, the land was deluged with tears and the world united in his eulogy. Blot out from the page of history the names of all the great actors of his time in the drama of nations, and preserve the name of Washington, and still the century would be renowned.

We stand to-day upon the dividing line between the first and second century of constitutional government. There are no clouds overhead, and no convulsions under our feet. We reverently return thanks to Almighty God for the past, and with confident and hopeful promise march upon sure ground toward the future. The simple facts of these hundred years paralyze the imagination, and we contemplate the vast accumulations of the century with awe and pride. Our population has grown from four to sixty-five millions. Its center moving westward five hundred miles since 1789, is eloquent with the founding of cities and the birth of States. New settlements, clearing the forests and subduing the prairies, and adding four millions to the few thousands of farms which were the support of Washington's Republic, create one of

the great granaries of the world and open exhaustless reservoirs of national wealth.

The infant industries, which the first Act of our Administration sought to encourage, now give remunerative employment to more people than inhabited the Republic at the beginning of Washington's Presidency. The grand total of their annual output of seven thousand millions of dollars in value places the United States first among the manufacturing countries of the earth. One-half of all the railroads, and one-quarter of all the telegraph lines of the world within our borders, testify to the volume, variety, and value of an internal commerce which makes these States, if need be, independent and self-supporting. These hundred years of development under favorable political conditions have brought the sum of our national wealth to a figure which is past the results of a thousand years for the mother-land, herself otherwise the richest of modern empires.

During this generation a civil war of unequaled magnitude caused the expenditure and loss of eight thousand millions of dollars, and killed six hundred thousand and permanently disabled over a million young men; and yet the impetuous progress of the North and the marvelous industrial development of the new and free South have obliterated the evidences of destruction and made the war a memory, and have stimulated production until our annual surplus nearly equals that of England, France, and Germany combined. The teeming millions of Asia till the patient soil and work the shuttle and loom as their fathers have done for ages; modern Europe has felt the influence and received the benefit of the incalculable multiplication of

force by inventive genius since the Napoleonic wars; and yet, only two hundred and sixty-nine years after the little band of Pilgrims landed on Plymouth Rock, our people, numbering less than one-fifteenth of the inhabitants of the globe, do one-third of its mining, one-fourth of its manufacturing, one-fifth of its agriculture, and own one-sixth of its wealth.

This realism of material prosperity, surpassing the wildest creation of the romancers who have astonished and delighted mankind, would be full of danger for the present and menace for the future, if the virtue, intelligence, and independence of the people were not equal to the wise regulation of its uses and the stern prevention of its abuses. But following the growth and power of the great factors, whose aggregation of capital made possible the tremendous pace of the settlement of our national domain, the building of our great cities and the opening of the lines of communication which have unified our country and created our resources, have come national and state legislation and supervision. Twenty millions—a vast majority of our people of intelligent age—acknowledging the authority of their several churches, twelve millions of children in the common schools, three hundred and forty-five universities and colleges for the higher education of men and two hundred for women, four hundred and fifty institutions of learning for science, law, medicine, and theology, are the despair of the scoffer and the demagogue, and the firm support of civilization and liberty.

Steam and electricity have not only changed the commerce, they have also revolutionized the governments of the world. They have given to the press its

powers, and brought all races and nationalities into touch and sympathy. They have tested and are trying the strength of all systems to stand the strain and conform to the conditions which follow the germinating influences of American democracy. At the time of the inauguration of Washington, seven royal families ruled as many kingdoms in Italy, but six of them have seen their thrones overturned and their countries disappear from the map of Europe. Most of the kings, princes, dukes, and margraves of Germany, who reigned despotically and sold their soldiers for foreign service, have passed into history, and their heirs have neither prerogatives nor domain. Spain has gone through many violent changes, and the permanency of her present government seems to depend upon the feeble life of an infant prince. France, our ancient friend, with repeated and bloody revolutions, has tried the government of Bourbon and Convention, of Directory and Consulate, of Empire and Citizen King, of hereditary Sovereign and Republic, of Empire, and again Republic. The Hapsburg and the Hohenzollern, after convulsions which have rocked the foundations of their thrones, have been compelled to concede constitutions for their people, and to divide with them the arbitrary power wielded so autocratically and brilliantly by Maria Theresa and Frederick the Great. The royal will of George III. could crowd the American colonies into rebellion, and wage war upon them until they were lost to his kingdom; but the authority of the Crown has devolved upon ministers who hold office subject to the approval of the representatives of the people, and the equal powers of the House of

Lords have become vested in the Commons, leaving to the Peers only the shadow of their ancient privileges. But to-day the American people, after all the dazzling developments of the century, are still happily living under the Government of Washington. The Constitution during all that period has been amended only upon the lines laid down in the original instrument, and in conformity with the recorded opinions of the Fathers. The first great addition was the incorporation of a Bill of Rights, and the last the embedding into the Constitution of the immortal principle of the Declaration of Independence—of the equality of all men before the law. No crisis has been too perilous for its powers, no evolution too rapid for its adaptation, and no expansion beyond its easy grasp and administration. It has assimilated diverse nationalities with warring traditions, customs, conditions, and languages, imbued them with its spirit, and won their passionate loyalty and love.

The flower of the youth of the nations of Continental Europe are conscripted from productive industries and drilling in camps. Vast armies stand in battle array along the frontiers, and a Kaiser's whim or a Minister's mistake may precipitate the most destructive war of modern times.

Both monarchical and republican governments are seeking safety in the repression and suppression of opposition and criticism. The volcanic forces of democratic aspiration and socialistic revolt are rapidly increasing and threaten peace and security. We turn from these gathering storms to the British Isles and find their people in the throes of a political

crisis involving the form and substance of their Government, and their statesmen far from confident that the enfranchised and unprepared masses will wisely use their power.

But for us no army exhausts our resources nor consumes our youth. Our navy must needs increase in order that the protecting flag may follow the expanding commerce which is to successfully compete in all the markets of the world. The sun of our destiny is still rising, and its rays illumine vast territories as yet unoccupied and undeveloped, and which are to be the happy homes of millions of people. The questions which affect the powers of government and the expansion or limitation of the authority of the Federal Constitution are so completely settled, and so unanimously approved, that our political divisions produce only the healthy antagonism of parties which is necessary for the preservation of liberty. Our institutions furnish the full equipment of shield and spear for the battles of freedom; and absolute protection against every danger which threatens the welfare of the people will always be found in the intelligence which appreciates their value, and the courage and morality with which their powers are exercised. The spirit of Washington fills the executive office. Presidents may not rise to the full measure of his greatness, but they must not fall below his standard of public duty and obligation. His life and character, conscientiously studied and thoroughly understood by coming generations, will be for them a liberal education for private life and public station, for citizenship and patriotism, for love and devotion to Union and liberty. With their inspiring past

and splendid present, the people of these United States, heirs of a hundred years marvelously rich in all which adds to the glory and greatness of a nation, with an abiding trust in the stability and elasticity of their Constitution, and an abounding faith in themselves, hail the coming century with hope and joy.

## *THE PLATFORM ORATION.*

## GEORGE WILLIAM CURTIS.

*Born 1824. Died 1892.*

## THE LEADERSHIP OF EDUCATED MEN.

[The subject with which this oration deals, the place of the educated man in public affairs, was a particularly congenial one to Mr. Curtis, as it has been to other men who have thought deeply over the problems of our democracy. In 1856, in an address which Mr. Curtis delivered before the literary societies of Wesleyan University, his first platform oration of any note, he chose for his topic "The duty of the American Scholar to Politics and the Times." A year later, in 1857, when he spoke to the graduating class of Union College on "Patriotism" he took as his theme this question: "How can you, as educated young Americans, best serve the great cause of human development to which all nationalities are subservient?" Again, twenty years after this, in another address before the students of Union College, he had for his subject "The Public Duty of Educated men." The present oration, therefore, which was delivered before the alumni of Brown University, at Providence, June 20, 1882, is not only one of the most eloquent Mr. Curtis ever delivered, but it represents a theme to which he gave much thought throughout his life.

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There is a modern English picture which the genius of Hawthorne might have inspired. The painter calls it, "How they met themselves." A man and a woman, haggard and weary, wandering lost in a somber wood, suddenly meet the shadowy figures of a youth and a

maid. Some mysterious fascination fixes the gaze and stills the hearts of the wanderers, and their amazement deepens into awe as they gradually recognize themselves as once they were; the soft bloom of youth upon their rounded cheeks, the dewy light of hope in their trusting eyes, exulting confidence in their springing step, themselves blithe and radiant with the glory of the dawn. To-day, and here, we meet ourselves. Not to these familiar scenes alone—yonder college-green with its reverend traditions; the halcyon cove of the Seekonk, upon which the memory of Roger Williams broods like a bird of calm; the historic bay, beating forever with the muffled oars of Barton and of Abraham Whipple; here, the humming city of the living; there, the peaceful city of the dead;—not to these only or chiefly do we return, but to ourselves as we once were. It is not the smiling freshmen of the year, it is your own beardless and unwrinkled faces, that are looking from the windows of University Hall and of Hope College. Under the trees upon the hill it is yourselves whom you see walking, full of hopes and dreams, glowing with conscious power, and "nourishing a youth sublime"; and in this familiar temple, which surely has never echoed with eloquence so fervid and inspiring as that of your commencement orations, it is not yonder youths in the galleries who, as they fondly believe, are whispering to yonder maids; it is your younger selves who, in the days that are no more, are murmuring to the fairest mothers and grandmothers of those maids.

Happy the worn and weary man and woman in the picture could they have felt their older eyes still glis-

tening with that earlier light, and their hearts yet beating with undiminished sympathy and aspiration. Happy we, brethren, whatever may have been achieved, whatever left undone, if, returning to the home of our earlier years, we bring with us the illimitable hope, the unchilled resolution, the inextinguishable faith of youth.

It was as scholars that you were here; it is to the feeling and life of scholars that you return. I mean the scholar not as a specialist or deeply proficient student, not like Darwin, a conqueror greater than Alexander, who extended the empire of human knowledge; nor like Emerson, whose serene wisdom, a planet in the cloudless heaven, lighted the path of his age to larger spiritual liberty; nor like Longfellow, sweet singer of our national spring-time, whose scholarship decorated his pure and limpid song as flowers are mirrored in a placid stream—not as scholars like these, but as educated men, to whom the dignity and honor and renown of the educated class are precious, however remote from study your lives may have been, you return to the annual festival of letters. "Neither years nor books," says Emerson, speaking of his own college days, "have yet availed to extirpate a prejudice then rooted in me that a scholar is the favorite of heaven and earth, the excellency of his country, the happiest of men."

But every educated man is aware of a profound popular distrust of the courage and sagacity of the educated class. Franklin and Lincoln are good enough for us, exclaims this jealous skepticism; as if Franklin and Lincoln did not laboriously repair by vigorous study the want of early opportunity. The

scholar appealing to experience is proudly told to close his books, for what has America to do with experience? as if books were not the ever-burning lamps of accumulated wisdom. When Voltaire was insulted by the London mob, he turned at his door and complimented them upon the nobleness of their national character, their glorious constitution, and their love of liberty. The London mob did not feel the sarcasm. But when I hear that America may scorn experience because she is a law to herself, I remember that a few years ago a foreign observer came to the city of Washington, and said: "I did not fully comprehend your greatness until I saw your Congress. Then I felt that if you could stand that you could stand anything, and I understood the saying that God takes care of children, drunken men, and the United States."

The scholar is denounced as a coward. Humanity falls among thieves, we are told, and the college Levite, the educated Pharisee, pass by on the other side. Slavery undermines the Republic, but the clergy in America are the educated class, and the Church makes itself the bulwark of slavery. Strong drink slays its tens of thousands, but the educated class leaves the gospel of temperance to be preached by the ignorant and the enthusiast, as the English Establishment left the preaching of regeneration to Methodist itinerants in fields and barns. Vast questions cast their shadows upon the future: the just relations of capital and labor; the distribution of land; the towering power of corporate wealth; reform in administrative methods; but the educated class, says the critic, instead of advancing to deal with them promptly, wisely, and courageously, and settling them as morning dissipates the night,

without a shock, leaves them to be kindled to fury by demagogues, lifts a panic cry of communism, and sinks paralyzed with terror. It is the old accusation. Erasmus was the great pioneer of modern scholarship. But in the fierce contest of the Reformation Luther denounced him as a time-server and a coward. With the same feeling, Theodore Parker, the spiritual child of Luther, asked of Goethe, "Tell me, what did he ever do for the cause of man?" and when nothing remained for his country but the dread alternative of slavery or civil war, Parker exclaimed sadly of the class to which he belonged, "If our educated men had done their duty, we should not now be in the ghastly condition we bewail."

Gentlemen, we belong to the accused class. Its honor and dignity are very precious to us. Is this humiliating arraignment true? Does the educated class of America especially deserve this condemnation of political recreancy and moral cowardice? Faithless scholars, laggard colleges, bigoted pulpits, there may be; signal instances you may find of feebleness and pusillanimity. This has been always true. Leigh Hunt said, "I thought that my Horace and Demosthenes gave me a right to sit at table with any man, and I think so still." But when De Quincey met Dr. Parr, who knew Horace and Demosthenes better than any man of his time, he described him as a lisping scandal-monger, retailing gossip fit only for washerwomen to hear. During the earthquake of the great civil war in England, Sir Thomas Browne sat tranquilly in scholarly seclusion, polishing the conceits of the "Urn Burial," and modulating the long-drawn music of the "Religio Medici." Looking at Browne

and Parr, at Erasmus and Goethe, is it strange that scholars are impatiently derided as useless pedants or literary voluptuaries, and that the whole educated class is denounced as feeble and impracticable?

But remember what Coleridge said to Washington Alston, "Never judge a work of art by its defects." The proper comment to make upon recreant scholars is that of Brummell's valet upon the tumbled cambric in his hands, "These are our failures." Luther, impatient of the milder spirit of Erasmus and Colet and Sir Thomas More, might well have called them our failures, because he was of their class, and while they counseled moderation, his fiery and impetuous soul sought to seize triple-crowned error and drag it from its throne. But Luther was no less a scholar, and stands equally with them for the scholarly class and the heroism of educated men. Even Erasmus said of him with friendly wit, "He has hit the Pope on the crown and the monks on the belly." If the cowled scholars of the Church rejected him, and universities under their control renounced and condemned him, yet Luther is justified in saying, as he sweeps his hand across them and speaks for himself and for the scholars who stood with him, "These are not our representatives; these are our failures."

So on our side of the sea the educated body of Puritan Massachusetts Bay, the clergy and the magistrates, drove Roger Williams from their borders—Roger Williams, also a scholar and a clergyman, and, with John Milton, the bright consummate flower of Puritanism. But shall not he stand for the scholar rather than Cotton Mather, torturing terrified old women to death as witches! I appeal from Philip drunk to

Philip sober—from the scholarship that silenced Mrs. Hutchinson and hung Mary Dyer and pressed Giles Corey to death, to the scholarship that argued with George Fox and founded a political commonwealth upon soul-liberty. A year ago I sat with my brethren of the Phi Beta Kappa at Cambridge, and seemed to catch echoes of Edmund Burke's resounding impeachment of Warren Hastings in the sparkling denunciation of the timidity of American scholarship. Under the spell of Burke's burning words Hastings half believed himself to be the villain he heard described. But the scholarly audience of the scholarly orator * of the Phi Beta Kappa, with an exquisite sense of relief, felt every count of his stinging indictment recoil upon himself. He was the glowing refutation of his own argument. Gentleman, scholar, orator—his is the courage that never quailed; his the white plume of Navarre that flashed meteor-like in the front of battle; his the Amphion music of an eloquence that leveled the more than Theban walls of American slavery. At once judge, culprit, and accuser, in the noble record of his own life he and his class are triumphantly acquitted.

Must we count such illustrations as exceptions? But how can we do so when we see that the Reformation, the mental and moral new birth of Christendom, was the work of the educated class? Follow the movement of liberty in detail, and still the story is the same. The great political contest in England, inspired by the Reformation, was directed by University men. John Pym in the Commons, John Hampden in the field, John Milton in the Cabinet—three Johns,

* Wendell Phillips.

and all of them well-beloved disciples of liberty—with the grim Oliver himself, purging England of royal despotism, and avenging the slaughtered saints on Alpine mountains cold, were all of them children of Oxford and Cambridge. In the next century, like a dawn lurid but bright, the French Revolution broke upon the world. But the only hope of a wise direction of the elemental forces that upheaved France vanished when the educated leadership lost control, and Marat became the genius and the type of the Revolution. Ireland also bears witness. As its apostle and tutelary saint was a scholar, so its long despair of justice has found its voice and its hand among educated Irishmen. Swift and Molyneux, and Flood and Grattan and O'Connell, Duffy, and the young enthusiasts around Thomas Davis who sang of an Erin that never was and dreamed of an Ireland that cannot be, were men of the colleges and the schools, whose long persistence of tongue and pen fostered the life of their country and gained for her all that she has won. For modern Italy, let Silvio Pellico and Foresti and Maroncelli answer. It was Italian education which Austria sought to smother, and it was not less Cavour than Garibaldi who gave constitutional liberty to Italy. When Germany sank at Jena under the heel of Napoleon, and Stein—whom Napoleon hated, but could not appall—asked if national life survived, the answer rang from the universities, and from them modern Germany came forth. With prophetic impulse Theodore Koerner called his poems "The Lyre and the Sword," for, like the love which changed the sea-nymph into the harp, the fervent patriotism of the educated youth of Germany turned the poet's lyre

into the soldier's victorious sword. In the splendor of our American day let us remember and honor our brethren, first in every council, dead upon every field of freedom from the Volga to the Rhine, from John o' Groat's to the Adriatic, who have steadily drawn Europe from out the night of despotism, and have vindicated for the educated class the leadership of modern civilization.

Here in America, where as yet there are no ruins save those of ancient wrongs, undoubtedly New England has inspired and molded our national life. But if New England has led the Union, what has led New England? Her scholarly class. Her educated men. And our Roger Williams gave the key-note. "He has broached and divulged new and dangerous opinions against the authority of magistrates," said Massachusetts as she banished him. A century later his dangerous opinions had captured Massachusetts. Young Sam Adams, taking his Master's degree at Cambridge, argued that it was lawful to resist the supreme magistrate if the State could not otherwise be preserved. He was a college stripling. But seven years afterward, in 1750, the chief pulpit orator in New England, Jonathan Mayhew, preached in Boston the famous sermon which Thornton called the morning gun of the Revolution, applying to the political situation the principles of Roger Williams. The New England pulpit echoed and re-echoed that morning gun, arousing the country, and twenty-five years later its warning broke into the rattle of musketry at Lexington and Concord and the glorious thunder of Bunker Hill.

It was a son of Harvard, James Otis, who proposed

the assembly of an American congress without asking the king's leave. It was a son of Yale, John Morin Scott, who declared that if taxation without representation were to be enforced, the colonies ought to separate from England. It was a group of New York scholars, John Jay and Scott and the Livingstones, which spoke for the colony in response to the Boston Port Bill and proposed the Continental Congress. It was a New England scholar in that Congress, whom Rufus Choate declared to be the distinctive and comprehensive orator of the Revolution, John Adams, who, urging every argument, touching every stop of passion, pride, tenderness, interest, conscience, and lofty indignation, swept up his country as into a chariot of fire and soared to independence.

I do not forget that Virginian tongue of flame, Patrick Henry, nor that patriotism of the field and fireside which recruited the Sons of Liberty. The inspiring statue of the Minute Man at Concord—and a nobler memorial figure does not stand upon our soil —commemorates the spirit that left the plow standing in the furrow, that drew Nathaniel Greene from his anvil and Esek Hopkins from his farm; the spirit that long before had sent the poor parishioners of Scrooby to Holland, and filled the victorious ranks of the Commonwealth at Naseby and at Marston Moor. But in America as in England they were educated men who in the pulpit, on the platform, and through the press, conducted the mighty preliminary argument of the Revolution, defended the ancient traditions of English liberty against reactionary England, aroused the colonists to maintain the cause of human

nature, and led them from the Gaspee and Bunker Hill across the plains of Saratoga, the snows of Valley Forge, the sands of Monmouth, the hills of Carolina, until at Yorktown once more the king surrendered to the people, and educated America had saved constitutional liberty.

In the next brief and critical period, when through the travail of a half-anarchical confederation the independent States, always instinctively tending to union, rose into a rural constitutional republic, the good genius of America was still the educated mind of the country. Of the fifty-five members of the Convention, which Bancroft, changing the poet's line, calls "the goodliest fellowship of law-givers whereof this world holds record," thirty-three were college graduates, and the eight leaders of the great debate were all college men. The Convention adjourned, and while from out the strong hand of George Clinton, Hamilton, the son of Columbia, drew New York into the Union, that placid son of Princeton, James Madison, withstanding the fiery energy of Patrick Henry, placed Virginia by her side. Then Columbia and Princeton uniting in Hamilton, Jay, and Madison, interpreted the Constitution in that greatest of commentaries, which, as the dome crowns the Capitol, completed the majestic argument which long before the sons of Harvard had begun. Take away the scholarly class from the discussion that opened the Revolution, from the deliberations that guided it, from the debates of the Constitutional Convention that ended it—would the advance of America have been more triumphant? Would the guarantees of individual liberty, of national union, of a common prosperity,

have been more surely established? The critics laughed at the pictured grapes as unnatural. But the painter was satisfied when the birds came and pecked at them. Daily the educated class is denounced as impracticable and visionary. But the Constitution of the United States is the work of American scholars.

Doubtless the leaders expressed a sentiment which was shared by the men and women around them. But it was they who had formed and fostered that sentiment. They were not the puppets of the crowd, light weathercocks which merely showed the shifting gusts of popular feeling. They did not follow what they could not resist, and make their voices the tardy echo of a thought they did not share. They were not dainty and feeble hermits because they were educated men. They were equal citizens with the rest; men of strong convictions and persuasive speech, who showed their brethren what they ought to think and do. That is the secret of leadership. It is not servility to the mob, it is not giving vehement voice to popular frenzy, that makes a leader. That makes a demagogue; Cleon, not Pericles; Catiline, not Cicero. Leadership is the power of kindling a sympathy and trust which will eagerly follow. It is the genius that molds the lips of the stony Memnon to such sensitive life that the first sunbeam of opportunity strikes them into music. In a great crisis it is thinking so as to make others think, feeling so as to make others feel, which tips the orator's tongue with fire that lights as well as burns. So when Lord Chatham stood at the head of England organizing her victories by land and sea, and told in Parliament their splendid story, his glowing form was Britain's self, and the roar of British

guns and the proud acclamation of British hearts all around the globe flashed and thundered in his eloquence. "This is a glorious morning," said the scholar Samuel Adams, with a price set on his head, as he heard the guns at Lexington. "Decus et decorum est," said the young scholar Joseph Warren gayly, as he passed to his death on Bunker Hill. They spoke for the lofty enthusiasm of patriotism which they had kindled. It was not a mob, an ignorant multitude swayed by a mysterious impulse; it was a body of educated men, wise and heroic because they were educated, who lifted this country to independence and laid deep and strong the foundations of the Republic.

Is this less true of the maintenance and development of the government? Thirty years ago, walking on the Cliff at Newport with Mr. Bancroft, I asked him to what point he proposed to continue his history. He answered: "If I were an artist painting a picture of this ocean, my work would stop at the horizon. I can see no further. My history will end with the adoption of the Constitution. All beyond that is experiment." This was long ago. But the Republic is an experiment no longer. It has been strained to the utmost along the very vital fiber of its frame, and it has emerged from the ordeal recreated. Happy venerable historian, who has survived both to witness the triumph of the experiment, and to complete his stately story to the very point which he contemplated thirty years ago! He has reached what was then the horizon, and may a gracious Providence permit him yet to depict the new and further and radiant prospect which he and all his countrymen behold!

In achieving this great result has educated America been sluggish or skeptical or cowardly? The Constitution was but ten years old when the author of the Declaration of Independence, speaking with great authority and for a great party, announced that the Constitution was a compact of which every State must judge for itself both the fact of violation and the mode of redress. Jefferson sowed dragon's teeth in the fresh soil of the young Union. He died, but the armed men appeared. The whole course of our politics for nearly a century was essentially revolutionary. Beneath all specific measures and party policies lay the supreme question of the nature of the government which Jefferson had raised. Is the Union a league or a nation? Are we built upon the solid earth or unstably encamped, like Sindbad's company, upon the back of a sea-monster which may dive at any moment? Until this doubt was settled there could be no peace. Yet the question lay in our politics only like the far black cloud along the horizon, flashing and muttering scarce heard thunders until the slavery agitation began. That was a debate which devoured every other, until the slave-power, foiled in the hope of continental empire, pleaded Jefferson's theory of the Constitution as an argument for national dissolution. This was the third great crisis of the country, and in the tremendous contention, as in the war that followed, was the American scholar recreant and dumb?

I do not ask, for it is not necessary, whether in the ranks of the powerful host that resisted agitation there were not scholars and educated men. I do not ask whether the educated or any other class alone main-

tained the fight, nor whether there were not unquailing leaders who were not educated men, nor whether all were first, or all approved the same methods, or all were equally wise or equally zealous. Of course, I make no exclusive claim. I do not now speak of men like Garrison, whose name is that of a great patriot and a great human benefactor, and whose sturdy leadership was that of an old Hebrew prophet. But was the great battle fought and won while we and our guild stood passive and hostile by?

The slavery agitation began with the moral appeal, and as in the dawn of the Revolution educated America spoke in the bugle note of James Otis, so in the moral onset of the antislavery agitation rings out the clear voice of a son of Otis' college, himself the Otis of the later contest, Wendell Phillips. By his side, in the stormy dawn of the movement, stands a grandson of Quincy of the Revolution, and among the earliest antislavery leaders is more than a proportionate part of liberally educated men. In Congress the commanding voice for freedom was that of the most learned, experienced, and courageous of American statesmen, the voice of a scholar and an old college professor, John Quincy Adams. Whittier's burning words scattered the sacred fire, Longfellow and Lowell mingled their songs with his, and Emerson gave to the cause the loftiest scholarly heart in the Union. And while Parker's and Beecher's pulpits echoed Jonathan Mayhew's morning gun and fired words like cannon-balls, in the highest pulpit of America, foremost among the champions of liberty stood the slight and radiant figure of the scholarly son of Rhode Island, upon whom more than upon any of her chil-

dren the mantle of Roger Williams had worthily fallen, William Ellery Channing.

When the national debate was angriest, it was the scholar of the Senate of the United States who held highest in his undaunted hands the flag of humanity and his country. While others bowed and bent and broke around him, the form of Charles Sumner towered erect. Commerce and trade, the mob of the clubs and of the street, hissed and sneered at him as a pedantic dreamer and fanatic. No kind of insult and defiance was spared. But the unbending scholar revealed to the haughty foe an antagonist as proud and resolute as itself. He supplied what the hour demanded, a sublime faith in liberty, the uncompromising spirit which interpreted the Constitution and the statutes for freedom and not for slavery. The fiery agitation became bloody battle. Still he strode on before. "I am only six weeks behind you," said Abraham Lincoln, the Western frontiersman, to the New England scholar; and along the path that the scholar blazed in the wild wilderness of civil war, the path of emancipation, and the constitutional equality of all citizens, his country followed fast to union, peace, and prosperity. The public service of this scholar was not less than that of any of his predecessors or any of his contemporaries. Criticise him as you will, mark every shadow you can find,

> "Though round his base the rolling clouds are spread,
> Eternal sunshine settles on his head."

It would indeed be a sorrowful confession for this day and this assembly, to own that experience proves the air of the college to be suffocating to generous

thought and heroic action. Here it would be especially unjust, for what son of this college does not proudly remember that when, in the Revolution, Rhode Island was the seat of war, the college boys left the recitation-room for the field, and the college became a soldiers' barrack and hospital? And what son of any college in the land, what educated American, does not recall with grateful pride that legion of college youth in our own day—"Integer vitæ scelerisque purus"—who were not cowards or sybarites because they were scholars, but whose consecration to the cause of country and man vindicated the words of John Milton, "A complete and generous education is that which fits a man to perform justly, skillfully, and magnanimously all the offices, both private and public, of peace and war"? That is the praise of the American scholar. The glory of this day and of this Commencement season is that the pioneers, the courageous and independent leaders in public affairs, the great apostles of religious and civil liberty, have been, in large part, educated men, sustained by the sympathy of the educated class.

But this is not true of the past alone. As educated America was the constructive power, so it is still the true conservative force of the Republic. It is decried as priggish and theoretical. But so Richard Henry Lee condemned the Constitution as the work of visionaries. They are always called visionaries who hold that morality is stronger than a majority. Goldwin Smith says that Cobden felt that at heart England was a gentleman and not a bully. So thinks the educated American of his own country. He has faith enough in the people to appeal to

them against themselves, for he knows that the cardinal condition of popular government is the ability of the people to see and correct their own errors. In a Republic, as the majority must control action, the majority tends constantly to usurp control of opinion. Its decree is accepted as the standard of right and wrong. To differ is grotesque and eccentric. To protest is preposterous. To defy is incendiary and revolutionary. But just here interposes educated intelligence, and asserts the worth of self-reliance and the power of the individual. Gathering the wisdom of ages as into a sheaf of sunbeams, it shows that progress springs from the minority, and that if it will but stand fast time will give it victory.

It is the educated voice of the country which teaches patience in politics and strengthens the conscience of the individual citizen by showing that servility to a majority is as degrading as servility to a Sultan or a Grand Lama. Emerson said that of all his friends he honored none more than a quiet old Quaker lady who, if she said yea and the whole world said nay, still said yea. One of the pleasantest stories of Garfield is that of his speech to his constituents in which he quaintly vindicated his own independence. "I would do anything to win your regard," he said, "but there is one man whose good opinion I must have above all, and without whose approval I can do nothing. That is the man with whom I get up every morning and go to bed every night, whose thoughts are my thoughts, whose prayers are my prayers; I cannot buy your confidence at the cost of his respect." Never was the scholarly Garfield so truly a man, so patriotically an American, and his constituents were

prouder than ever of their representative who complimented them by asserting his own manhood.

It is the same voice which exposes the sophists who mislead the mob and pitilessly scourges the demagogues who flatter it. "All men know more than any man," haughtily shout the larger and lesser Talleyrands. That is a French epigram, replies the scholar, but not a general truth. A crowd is not wiser than the wisest man in it. For the purposes of the voyage the crew does not know more than the master of the ship. The Boston town-meeting was not more sagacious than Sam Adams. "Vox populi vox Dei," screams the foaming rhetoric of the stump; the voice of the people is the voice of God. The voice of the people in London, says history, declared against street-lamps and denounced inoculation as wanton wickedness. The voice of the people in Paris demanded the head of Charlotte Corday. The voice of the people in Jerusalem cried, "Away with Him! crucify Him! crucify Him!" "God is on the side of the strongest battalions," sneers the party swindler who buys a majority with money or place. On the contrary, answers the cool critic, reading history and interpreting its lessons, God was with Leonidas, and not with Xerxes. He was with the exile John Robinson at Leyden, not with Laud and the hierarchy at Westminster.

Despite Napoleon even battles are not sums in arithmetic. Strange that a general, half of whose success was due to a sentiment, the glory of France, which welded his army into a thunderbolt, and still burns for us in the fervid song of Béranger, should have supposed that it is numbers and not conviction

and enthusiasm which win the final victory. The career of no man in our time illustrates this truth more signally than Garibaldi's. He was the symbol of the sentiment which the wise Cavour molded into a nation, and he will be always canonized more universally than any other Italian patriot, because no other represents so purely and simply to the national imagination the Italian ideal of patriotic devotion. His enthusiasm of conviction made no calculation of defeat, because while he could be baffled he could not be beaten. It was a stream flowing from a mountain height, which might be delayed or diverted, but knew instinctively that it must reach the sea. "*Italia farà da se.*" Garibaldi was that faith incarnate, and the prophecy is fulfilled. Italy, more proud than stricken, bears his bust to the Capitol, and there the eloquent marble will say, while Rome endures, that one man with God, with country, with duty and conscience, is at last the majority.

But still further, it is educated citizenship which, while defining the rightful limitation of the power of the majority, is most loyal to its legitimate authority, and foremost always in rescuing it from the treachery of political peddlers and parasites. The rural statesmen who founded the Republic saw in vision a homogeneous and intelligent community, the peace and prosperity and intelligence of the State reflected in the virtue and wisdom of the government. But is this our actual America or a glimpse of Arcadia? Is this the United States or Plato's Republic or Harrington's Oceana or Sir Thomas More's Utopia? What are the political maxims of the hour? In Rome, do as the Romans do. Fight fire with fire. Beat the devil with

his own weapons. Take men as they are, and don't affect superior goodness. Beware of the politics of the moon and of Sunday-school statesmanship. This is our current political wisdom and the results are familiar. "This is a nasty State," cries the eager partisan, "and I hope we have done nasty work enough to carry it." "The conduct of the opposition," says another, "was infamous. They resorted to every kind of base and contemptible means, and, thank God, we have beaten them at their own game." The majority is overthrown by the political machinery intended to secure its will. The machinery is oiled by corruption and grinds the honest majority to powder. And it is educated citizenship, the wisdom and energy of men who are classed as prigs, pedants, and impracticables, which is first and most efficient in breaking the machinery and releasing the majority. It was this which rescued New York from Tweed, and which everywhere challenges and demolishes a Tweed tyranny by whatever name it may be known.

Every year at the college Commencement the American scholar is exhorted to do his duty. But every newspaper proves that he is doing it. For he is the most practical politician who shows his fellow-citizens, as the wise old sailor told his shipmates, that "God has somehow so fixed the world that a man can afford to do about right." Take from the country at this moment the educated power, which is contemned as romantic and sentimental, and you would take from the army its general, from the ship its compass, from national action its moral mainspring. It is not the demagogue and the shouting rabble; it is the people heeding the word of the thinker and the lesson

of experience, which secures the welfare of the American republic and enlarges human liberty. If American scholarship is not in place, it is in power. If it does not carry the election to-day, it determines the policy of to-morrow. Calm, patient, confident, heroic, in our busy and material life it perpetually vindicates the truth that the things which are unseen are eternal. So in the cloudless midsummer sky serenely shines the moon, while the tumultuous ocean rolls and murmurs beneath, the type of illimitable and unbridled power; but, resistlessly marshaled by celestial laws, all the wild waters, heaving from pole to pole, rise and recede, obedient to the mild queen of heaven.

Brethren of Brown, we have come hither as our fathers came, as our children will come, to renew our observation of that celestial law; and here, upon the old altar of fervid faith and boundless anticipation, let us pledge ourselves once more that, as the courage and energy of educated men fired the morning gun and led the contest of the Revolution, founded and framed the Union and, purifying it as with fire, have maintained the national life to this hour, so, day by day, we will do our part to lift America above the slough of mercenary politics and the cunning snares of trade, steadily forward toward the shining heights which the hopes of its nativity foretold.

## *THE AFTER-DINNER ADDRESS.*

### HENRY W. GRADY.

*Born 1850. Died 1889.*

### THE NEW SOUTH.

[The New England Society of New York City, whose dinners are famous for their oratory, has had, at one time or another, nearly all the great speakers of the North as guests at its board. But no Southerner was ever so honored until, to the eighty-first annual banquet held on December 22, 1886, Mr. Grady, then known only as the progressive editor of the leading paper of Atlanta, was invited and asked to speak on the South. Although not his first visit, the occasion was his real introduction to the North. Around him were men distinguished in all walks of life, among them General Sherman, whose name no Georgian in many years is likely to forget. Preceding him next but one in the order of speaking was Dr. Talmage, who described the review of the Federal armies in Washington in 1865. Afterward Mr. Grady said, "When I found myself on my feet, every nerve in my body was strung as tight as a fiddle string, and all tingling. I knew then that I had a message for that assemblage, and as soon as I opened my mouth it came rushing out." What he said was as successful as it was unpremeditated. The speech was reported over the whole country and at once gave him a national reputation. It was called by the New York *Times* the greatest speech ever made by a Southerner in New York.]

"There was a South of slavery and secession—that South is dead. There is a South of union and freedom—that South, thank God, is living, breathing, growing every hour." These words, delivered from the immortal lips of Benjamin H. Hill, at Tammany

Hall, in 1866, true then, and truer now, I shall make my text to-night.

Mr. President and Gentlemen: Let me express to you my appreciation of the kindness by which I am permitted to address you. I make this abrupt acknowledgment advisedly, for I feel that if, when I raised my provincial voice in this ancient and august presence, I could find courage for no more than the opening sentence, it would be well if, in that sentence, I had met in a rough sense my obligation as a guest, and had perished, so to speak, with courtesy on my lips and grace in my heart.

Permitted, through your kindness, to catch my second wind, let me say that I appreciate the significance of being the first Southerner to speak at this board, which bears the substance, if it surpasses the semblance of original New England hospitality, and honors a sentiment that in turn honors you, but in which my personality is lost and the compliment to my people made plain.

I bespeak the utmost stretch of your courtesy to-night. I am not troubled about those from whom I come. You remember the man whose wife sent him to a neighbor with a pitcher of milk, and who, tripping on the top step, fell, with such casual interruptions as the landings afforded, into the basement; and, while picking himself up, had the pleasure of hearing his wife call out:

"John, did you break the pitcher?"

"No, I didn't," said John, "but I be dinged if I don't."

So, while those who call to me from behind may inspire me with energy, if not with courage, I ask an

indulgent hearing from you. I beg that you will bring your full faith in American fairness and frankness to judgment upon what I shall say. There was an old preacher once who told some boys of the Bible lesson he was going to read in the morning. The boys, finding the place, glued together the connecting pages. The next morning he read on the bottom of one page: "When Noah was one hundred and twenty years old he took unto himself a wife, who was" then turning the page, "one hundred and forty cubits long, forty cubits wide, built of gopher wood, and covered with pitch inside and out." He was naturally puzzled at this. He read it again, verified it, and then said: "My friends, this is the first time I ever met this in the Bible, but I accept it as an evidence of the assertion that we are fearfully and wonderfully made." If I could get you to hold such faith to-night, I could proceed cheerfully to the task I otherwise approach with a sense of consecration.

Pardon me one word, Mr. President, spoken for the sole purpose of getting into the volumes that go out annually freighted with the rich eloquence of your speakers—the fact that the Cavalier, as well as the Puritan, was on the continent in its early days, and that he was "up and able to be about." I have read your books carefully and I find no mention of that fact, which seems to me an important one for preserving a sort of historical equilibrium, if for nothing else.

Let me remind you that the Virginia Cavalier first challenged France on this continent, that Cavalier John Smith gave New England its very name, and was so pleased with the job that he has been handing his own name around ever since, and that while Miles

Standish was cutting off men's ears for courting a girl without her parents' consent, and forbade men to kiss their wives on Sunday, the Cavalier was courting everything in sight, and that the Almighty had vouchsafed great increase to the Cavalier colonies, the huts in the wilderness being as full as the nests in the woods.

But having incorporated the Cavalier as a fact in your charming little book, I shall let him work out his own salvation, as he has always done with engaging gallantry, and we will hold no controversy as to his merits. Why should we? Neither Puritan nor Cavalier long survived as such. The virtues and traditions of both happily still live for the inspiration of their sons and the saving of the old fashion. Both Puritan and Cavalier were lost in the storm of the first Revolution, and the American citizen, supplanting both, and stronger than either, took possession of the republic bought by their common blood and fashioned to wisdom, and charged himself with teaching men government and establishing the voice of the people as the voice of God.

My friend, Dr. Talmage, has told you that the typical American has yet to come. Let me tell you that he has already come. Great types, like valuable plants, are slow to flower and fruit. But from the union of these colonist Puritans and Cavaliers, from the straightening of their purposes and the crossing of their blood, slow perfecting through a century, came he who stands as the first typical American, the first who comprehended within himself all the strength and gentleness, all the majesty and grace of this republic, Abraham Lincoln. He was the sum of Puritan and

Cavalier; for in his ardent nature were fused the virtues of both, and in the depths of his great soul the faults of both were lost. He was greater than Puritan, greater than Cavalier, in that he was American, and that in his homely form were first gathered the vast and thrilling forces of his ideal government charging it with such tremendous meaning, and so elevating it above human suffering, that martyrdom, though infamously aimed, came as a fitting crown to a life consecrated from the cradle to human liberty. Let us, each cherishing the traditions and honoring his fathers, build with reverent hands to the type of his simple but sublime life, in which all types are honored; and in our common glory as Americans there will be plenty and some to spare for your forefathers and for mine.

In speaking to the toast with which you have honored me, I accept the term, "The New South," as in no sense disparaging to the old. Dear to me, sir, is the home of my childhood, and the traditions of my people. I would not, if I could, dim the glory they won in peace and war, or by word or deed take aught from the splendor and grace of their civilization, never equaled, and perhaps never to be equaled in its chivalric strength and grace. There is a New South, not through protest against the old, but because of new conditions, new adjustments, and, if you please, new ideas and aspirations. It is to this that I address myself, and to the consideration of which I hasten, lest it become the Old South before I get to it. Age does not endow all things with strength and virtue, nor are all new things to be despised. The shoemaker who put over his door, "John Smith's shop, founded 1760,"

was more than matched by his young rival across the street who hung out this sign: "Bill Jones. Established 1886. No old stock kept in this shop."

Dr. Talmage has drawn for you, with a master hand, the picture of your returning armies. He has told you how, in the pomp and circumstance of war, they came back to you, marching with proud and victorious tread, reading their glory in a nation's eyes! Will you bear with me while I tell you of another army that sought its home at the close of the late war? An army that marched home in defeat and not in victory —in pathos and not in splendor, but in glory that equaled yours, and to hearts as loving as ever welcomed heroes home. Let me picture to you the footsore Confederate soldier, as, buttoning up in his faded gray jacket the parole which was to bear testimony to his children of his fidelity and faith, he turned his face southward from Appomattox in April, 1865. Think of him as ragged, half-starved, heavy-hearted, enfeebled by want and wounds; having fought to exhaustion, he surrenders his gun, wrings the hands of his comrades in silence, and, lifting his tear-stained and pallid face for the last time to the graves that dot the old Virginia hills, pulls his gray cap over his brow and begins the slow and painful journey. What does he find?—let me ask you who went to your homes eager to find, in the welcome you had justly earned, full payment for four years' sacrifice—what does he find when, having followed the battle-stained cross against overwhelming odds, dreading death not half so much as surrender he reaches the home he left so prosperous and beautiful? He finds his house in ruins, his farm devastated, his slaves free, his stock killed, his barn

empty, his trade destroyed, his money worthless; his social system, feudal in its magnificence, swept away; his people without law or legal status; his comrades slain, and the burdens of others heavy on his shoulders. Crushed by defeat, his very traditions gone; without money, credit, employment, material training; and besides all this, confronted with the gravest problem that ever met human intelligence—the establishing of a status for the vast body of his liberated slaves. What does he do—this hero in gray, with a heart of gold? Does he sit down in sullenness and despair? Not for a day. Surely God, who had stripped him of his prosperity, inspired him in his adversity. As ruin was never before so overwhelming, never was restoration swifter. The soldier stepped from the trenches into the furrow; horses that had charged Federal guns marched before the plow, and the fields that ran red with human blood in April were green with the harvest in June; women reared in luxury cut up their dresses and made breeches for their husbands, and, with a patience and heroism that fit women always as a garment, gave their hands to work. There was little bitterness in all this. Cheerfulness and frankness prevailed. "Bill Arp" struck the keynote when he said: "Well, I killed as many of them as they did of me, and now I am going to work." Or the soldier returning home after defeat and roasting some corn on the roadside, who made the remark to his comrades: "You may leave the South if you want to, but I am going to Sandersville, kiss my wife and raise a crop, and if the Yankees fool with me any more I will whip 'em again." I want to say to General Sherman—who is considered an able man in our parts, though some

people think he is kind of careless about fire—that from the ashes he left us in 1864 we have raised a brave and beautiful city; that somehow or other we have caught the sunshine in the bricks and mortar of our homes, and have builded therein not one ignoble prejudice or memory.

But in all this what have we accomplished? What is the sum of our work? We have found out that in the general summary the free negro counts more than he did as a slave. We have planted the schoolhouse on the hilltop and made it free to white and black. We have sowed towns and cities in the place of theories, and put business above politics. We have learned that the $400,000,000 annually received from our cotton crop will make us rich, when the supplies that make it are home-raised. We have reduced the commercial rate of interest from twenty-four to four per cent., and are floating four per cent. bonds. We have learned that one Northern immigrant is worth fifty foreigners, and have smoothed the path to the southward, wiped out the place where Mason and Dixon's line used to be, and hung out our latchstring to you and yours.

We have reached the point that marks perfect harmony in every household, when the husband confesses that the pies which his wife cooks are as good as those his mother used to bake; and we admit that the sun shines as brightly and the moon as softly as it did "before the war." We have established thrift in the city and country. We have fallen in love with work. We have restored comforts to homes from which culture and elegance never departed. We have let economy take root and spread among us as rank as

the crab grass which sprung from Sherman's cavalry camps, until we are ready to lay odds on the Georgia Yankee, as he manufactures relics of the battlefield in a one-story shanty and squeezes pure olive oil out of his cotton seed, against any downeaster that ever swapped wooden nutmegs for flannel sausages in the valley of Vermont.

Above all, we know that we have achieved in these "piping times of peace," a fuller independence for the South than that which our fathers sought to win in the forum by their eloquence, or compel on the field by their swords.

It is a rare privilege, sir, to have had a part, however humble, in this work. Never was nobler duty confided to human hands than the uplifting and upbuilding of the prostrate and bleeding South, misguided, perhaps, but beautiful in her suffering, and honest, brave, and generous always. In the record of her social, industrial, and political restoration we await with confidence the verdict of the world.

But what of the negro? Have we solved the problem he presents, or progressed in honor and equity toward the solution? Let the record speak to the point. No section shows a more prosperous laboring population than the negroes of the South; none in fuller sympathy with the employing and land-owning class. He shares our school fund, has the fullest protection of our laws, and the friendship of our people. Self-interest, as well as honor, demands that they should have this. Our future, our very existence, depends upon our working out this problem in full and exact justice. We understand that when Lincoln signed the Emancipation Proclamation, your victory was assured;

for he then committed you to the cause of human liberty, against which the arms of man cannot prevail; while those of our statesmen who trusted to make slavery the corner-stone of the Confederacy doomed us to defeat as far as they could, committing us to a cause that reason could not defend or the sword maintain in the sight of advancing civilization. Had Mr. Toombs said, which he did not say, that he would call the roll of his slaves at the foot of Bunker Hill, he would have been foolish, for he might have known that whenever slavery became entangled in war it must perish, and that the chattel in human flesh ended forever in New England when your fathers—not to be blamed for parting with what did not pay—sold their slaves to our fathers, not to be praised for knowing a paying thing when they saw it.

The relations of the Southern people with the negro are close and cordial. We remember with what fidelity for four years he guarded our defenseless women and children, whose husbands and fathers were fighting against his freedom. To his credit be it said that whenever he struck a blow for his own liberty he fought in open battle, and when at last he raised his black and humble hands that the shackles might be struck off, those hands were innocent of wrong against his helpless charges, and worthy to be taken in loving grasp by every man who honors loyalty and devotion.

Ruffians have maltreated him, rascals have misled him, philanthropists established a bank for him, but the South with the North protest against injustice to this simple and sincere people. To liberty and enfranchisement is as far as the law can carry the negro.

The rest must be left to conscience and common sense. It should be left to those among whom his lot is cast, with whom he is indissolubly connected, and whose prosperity depends upon their possessing his intelligent sympathy and confidence. Faith has been kept with him in spite of calumnious assertions to the contrary by those who assume to speak for us, or by frank opponents. Faith will be kept with him in the future, if the South holds her reason and integrity.

But have we kept faith with you? In the fullest sense, yes. When Lee surrendered—I don't say when Johnston surrendered, because I understand he still alludes to the time when he met General Sherman last as the time when he "determined to abandon any further prosecution of the struggle"—when Lee surrendered, I say, and Johnston quit, the South became, and has been, loyal to the Union. We fought hard enough to know that we were whipped, and in perfect frankness accepted as final the arbitrament of the sword to which we had appealed. The South found her jewel in the toad's head of defeat. The shackles that had held her in narrow limitations fell forever when the shackles of the negro slave were broken.

Under the old régime the negroes were slaves to the South, the South was a slave to the system. The old plantation, with its simple police regulations and its feudal habit, was the only type possible under slavery. Thus was gathered in the hands of a splendid and chivalric oligarchy the substance that should have been diffused among the people, as the rich blood, under certain artificial conditions, is gathered at the heart, filling that with affluent rupture, but leaving the body chill and colorless.

The old South rested everything on slavery and agriculture, unconscious that these could neither give nor maintain healthy growth. The new South presents a perfect Democracy, the oligarchs leading in the popular movement—a social system compact and closely knitted, less splendid on the surface but stronger at the core; a hundred farms for every plantation, fifty homes for every palace, and a diversified industry that meets the complex needs of this complex age.

The new South is enamored of her new work. Her soul is stirred with the breath of a new life. The light of a grander day is falling fair on her face. She is thrilling with the consciousness of a growing power and prosperity. As she stands upright, full-statured and equal among the people of the earth, breathing the keen air and looking out upon the expanding horizon, she understands that her emancipation came because in the inscrutable wisdom of God her honest purpose was crossed and her brave armies were beaten.

This is said in no spirit of time-serving or apology. The South has nothing for which to apologize. She believes that the late struggle between the States was war and not rebellion, revolution and not conspiracy, and that her convictions were as honest as yours. I should be unjust to the dauntless spirit of the South and to my own convictions if I did not make this plain in this presence. The South has nothing to take back. In my native town of Athens is a monument that crowns its central hills—a plain, white shaft. Deep cut into its shining side is a name dear to me above the names of men, that of a brave and simple man who died in a brave and simple faith. Not for all the

glories of New England—from Plymouth Rock all the way—would I exchange the heritage he left me in his soldier's death. To the feet of that shaft I shall send my children's children to reverence him who ennobled their name with his heroic blood. But, sir, speaking from the shadow of that memory, which I honor as I do nothing else on earth, I say that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than his or mine, and I am glad that the omniscient God held the balance of battle in His Almighty Hand, and that human slavery was swept forever from American soil—the American Union saved from the wreck of war.

This message, Mr. President, comes to you from consecrated ground. Every foot of the soil about the city in which I live is sacred as a battle-ground of the republic. Every hill that invests it is hallowed to you by the blood of your brothers who died for your victory, and doubly hallowed to us by the blood of those who died hopeless, but undaunted, in defeat—sacred soil to all of us, rich with memories that make us purer and stronger and better, silent but stanch witnesses in its red desolation of the matchless valor of American hearts and the deathless glory of American arms—speaking an eloquent witness, in its white peace and prosperity, to the indissoluble union of American States and the imperishable brotherhood of the American people.

Now what answer has New England to this message? Will she permit the prejudice of war to remain in the hearts of the conquerors, when it has died in the hearts of the conquered? Will she transmit this

prejudice to the next generation, that in their hearts, which never felt the generous ardor of conflict, it may perpetuate itself? Will she withhold, save in strained courtesy, the hand which, straight from his soldier's heart, Grant offered to Lee at Appomattox? Will she make the vision of a restored and happy people, which gathered above the couch of your dying captain, filling his heart with grace, touching his lips with praise and glorifying his path to the grave; will she make this vision, on which the last sigh of his expiring soul breathed a benediction, a cheat and a delusion? If she does, the South, never abject in asking for comradeship, must accept with dignity its refusal; but if she does not—if she accepts with frankness and sincerity this message of good will and friendship, then will the prophesy of Webster, delivered in this very Society forty years ago, amid tremendous applause, be verified in its fullest and final sense, when he said: "Standing hand to hand and clasping hands, we should remain united as we have for sixty years, citizens of the same country, members of the same government, united all, united now, and united forever. There have been difficulties, contentions, and controversies, but I tell you that in my judgment

> "'Those opposed eyes,
> Which, like the meteors of a troubled heaven,
> All of one nature, of one substance bred,
> Did lately meet in th' intestine shock,
> Shall now, in mutual, well-beseeming ranks
> March all one way.'"

## HENRY WARD BEECHER.

*Born 1813. Died 1887.*

## THE SEPULCHER IN THE GARDEN—A SERMON TO THE SORROWING.

[This sermon was delivered by Mr. Beecher in Plymouth Church, Brooklyn, on Sunday morning, July 1, 1860. It is reprinted from *Sermons by Henry Ward Beecher* (New York, 1868), through the kindness of the publishers, Messrs. Harper and Brothers.]

"Now in the place where he was crucified there was a garden, and in the garden a new sepulcher, wherein was never man yet laid. There laid they Jesus."—John xix. 41, 42.

"And there was Mary Magdalene, and the other Mary, sitting over against the sepulcher."—Matt. xxvii. 61.

How strange a watch was that! but how oftentimes repeated since! How strange a combination of circumstances, that the cross should have been lifted up so near to a garden; that the garden, of all places, should have held, amid its treasures, such a thing as a sepulcher hewn in a rock; that thus a cold grave should have been embosomed among flowers, and waited, for weeks, and months, and years, the coming of its sacred guest! And now, how striking the picture! A few words, and the whole stands open to the imagination as to the very sight! The two women, side by side, silent, and yet knowing each other's

thoughts, with one grief—with one yearning—with one suffering! Home was forgotten, and nature itself was unheeded. The odorous vines, the generous blossoms, the world of sights around them, were as if they were not. There was the rock, and only that to them. There was neither daylight, nor summer, nor balm, nor perfume. There were no lilies by their feet, nor roses around them; for though there were ten thousand of them, there was to them only that cold, gray sepulchral rock.

See what a life theirs had been. First was their own birth. It is strange that one should be grown in years before being able to recognize his own birth; and so it is. We are not born when the body is—we are born afterward—sometimes through silent influences developing, and oftentimes rudely born by the stroke of some overmastering sorrow, or led forth by some exceeding joy. So it was with them. They had lived years without fulfilling one year. They had loved without really loving. They had known without really knowing. Their nature and full power lay in them, but as buds lie in branches, and there had been no summer to bring them forth. Only when Christ came did they find themselves, for men never can find themselves of themselves, but always in the touch of some other and higher one. And only then, when these women saw a nature full of strength, full of purity, with a heart that went like summer through the land, did they know what it was to live. Before, they had been as they are who, neither asleep nor awake, hover between dreams and realities, fully possessed by neither. But in the full presence of Christ these Marys received their own life. They loved, and

loved worthily and upwardly. And then they knew what hidden life the soul possesses.

Now life blossomed at every step to them. There can be no barrenness in full summer. The very sand will yield something. Rocks will have mosses, and every rift will have its wind-flower, and every crevice a leaf, while from the fertile soil will be reared a gorgeous troop of growths that will carry their life in ten thousand forms, but all with praise to God. And so it is when the soul knows its summer. Love redeems its weakness, clothes its barrenness, enriches its poverty, and makes its very desert to bud and blossom as the rose. And these two Marys had in the presence of Christ waked into life. They were not born until he gave them their life. They followed, therefore, reverently, all his goings. They waited for him when absent as they that wait for the morning. Now there was a future to them. Every day increased their conscious treasure. Each day, however, they knew that they had come to the end and bound of their capacity, were full, and could hold no more love, nor joy of loving. And yet every next day they smiled at the barrenness of the past, and wondered how that could have seemed enough which was so much less than the present.

The future glowed brighter and brighter to them. Not that they were not mortal, and did not expect troubles. But storms, even, are radiant when the sun shines upon them, and troubles upon an orb of hope and love are sunlit clouds, whose gorgeous hues take all terror from the bolt and the stroke.

And so these loving souls, I suppose, followed Christ, and found a daily heaven. His serene nature; his

beneficence; his all-encompassing sympathy; his disinterestedness, that gave everything but asked nothing; his supernal wisdom; his power over life; his regency over nature; his lordship over the winds that flew to his hand as a dove to its nest; his mastery over darkness and death itself, calling back the departed spirit from its far-off wandering to life again; his effluent glory, as he hung in mid-air, sustained by white clouds, or as he walked the night-sea, carpeted with darkness; but, above all, that inspiration, that heavenly purity, that spiritual life that touched their life, and aroused them as never before were they aroused—in short, the presence of their God!—all these things, abiding with them, traveling from day to day with them, measuring out their golden year, gave them their first full knowledge of life as the soul recognizes it! And these were, to their fond hope, doubtless, a perpetual gift.

Nothing seems ever to have awakened the disciples to such instant fear, even to chiding and rebuke, as the intimation of their Master that he would leave them! It seemed like a threat of destruction to them. They were the more amazed and confounded, therefore, when the treacherous disciple betrayed him, when he yielded himself to authority, when injustice condemned him, smote him, tortured him, crucified him. Life was to them, now, no longer a waking bliss, but the torment of a wild and hideous dream. A horrible insanity it seemed. Yet it was constantly before them. They followed him to the city; they followed him out of the city; they followed him till the procession stopped upon the hill; they saw; they heard; they agonized. And when the earthquake shook the ground, not another thing did it jar so heed-

less and so griefful as those wondering, amazed, and disappointed women. They stood in a very darkness, and their life was like a grave. All the past was a garden, and this present hour stood up in the midst of it like a sepulcher.

At first grief was too great. They were winter-stricken. The very rigor of their sorrow would let nothing flow. But as warmth makes even glaciers trickle, and opens streams in the ribs of frozen mountains, so the heart knows the full flow and life of its grief only when it begins to melt and pass away.

There, then, sat these watchers. The night came, and the night went, "and *there* was Mary Magdalene, and the other Mary, sitting over against the sepulcher." What to them was that sepulcher? It was the end and sum of life. It was the evidence and fact of vanity and sorrow. It was an exposition of their infatuation. It proved to them the folly of love and the weakness of purity. The noblest experience of the purest souls had ended in such bitter disappointment they now knew that *they* only are wise who can say, "Let us eat and drink, for to-morrow we die." Could such a one be stricken and die? Could such a one be gathered into the shapeless rock? Could such a light go out, and such a soul be overwhelmed? What star, then, was there for hope in human life? What was safe? What use in love, in trust, in honor, in purity, since the Head and Glory of them all was not saved by them?

This rebuke of life, of soul, of their heart-love, at length drove them away. There was no garden to them where such a sepulcher stood. They returned; but oh, what a return! There was no more life when

they went away from him that had awakened by love true life in them. The night was not half so dark as were their souls. In a great affliction there is no light either in the stars or in the sun. For when the inner light is fed with fragrant oil, there can be no darkness though the sun should go out; but when, like a sacred lamp in the temple, the inward light is quenched, there is no light outwardly, though a thousand suns should preside in the heavens. To them life was all darkness.

And yet, while that garden held the sepulcher, and the women sat watching it, and saw only darkness and desolation, how blind they were! How little, after all, did they know! When first all was a bright certainty, how little then did they know! And when, afterward, all was dark woe, how little yet did they know! The darkness and the light were both alike to them, for they were ignorant alike of both. How little did they expect or suspect! Of all the garden, only the rock itself was a true soil, for in it lay the "root of David." Forth from that unlikely spot should come a flower whose blossom would restore Eden to the world; for if a garden saw man's fall, forth from the garden came his life again. But their eyes were holden that they should not see. Their hearts were burdened that they should not know. They saw only the sepulcher, and the stone rolled against the door. They saw, they felt, they despaired!

And yet, against sight, against sense, against hope, they lingered. If they departed, they could not abide away; they must needs come again; for "in the end of the Sabbath, as it began to dawn toward the first day of the week, came Mary Magdalene, and the other

Mary, to see the sepulcher. And behold, there was a great earthquake; for the angel of the Lord descended from heaven, and came and rolled back the stone from the door, and " (like them that triumph) " sat upon it." But now their sad musings, the utter despair of the reason and of the senses, the anxiety, the vigilance of the heart—these were the only things that were left to them. And yet, as in many cases, their hearts proved surer and better guides than their reason or their thoughts; for as a root scents moisture in a dry place, or a plant even in darkness aims always at the light, so the heart forever aims at hope and at immortality. And it was a woman's heart here that hung as the morning star of that bright rising of the Sun of Right-eousness. In the end of the Sabbath Christ came forth, and they were the ones whose upturned faces took his first light.

Such is this brief history; and if we were to carry it out in all its analogies, if we were to stretch forth its light so as to encompass all those who have had a like experience with these two women, how wide would be its reaches! how long would be the rehearsal!

1. There is a sepulcher in every garden. We are all of us in this life seeking for beauty and seeking for joy, following the blind instincts of our nature, every one of which was made to point up to something higher than that which the present realizes. We are often, almost without aim, without any true guidance, seeking to plant this life so that it shall be to us what a garden is. And we seek out the fairest flowers, and will have none but the best fruits. Striving against the noxious weed, striving against the stingy soil, striving against the inequalities of the season, still

these are our hope. Whatever may be our way of life, whatever may be the instrumentalities which we employ, that which we mean is Eden. It is this that they mean who seek the structures of power, and follow the leadings of ambition. This they mean who dig for golden treasures, not to see the shining of the gold, but to use it as a power for fashioning happiness. They who build a home and surround themselves with all the sweet enjoyments of social life are but planting a garden. The scholar has his garden. The statesman, too, has a fancied Eden with fruit and flower. The humble, and those that stand high, are all of them seeking to clothe the barren experiences of this world with buds that blossom, blossoms that shall bear fruit. No man sees the sepulcher among his flowers. There shall be no lurking corner for the tempter overleaping the wall of their happiness, to hover around their fair paradise! There shall be nothing there that shall represent time, and decay, and wickedness, and sorrow! Man's uninstructed idea of happiness in this life is that of a serene heaven without a cloud—a smooth earth without a furrow—a fair sward without a rock. It is the hope and expectation of men, the world over (and it makes no difference what their civilization is, what their culture, or what their teaching), that they shall plant their garden, and have flowers without thorns, summer without a winter, a garden without a rock, a rock without a sepulcher!

It makes very little difference that we see other men's delusions. Nay, we stand upon the wall of our particular experience, as upon the walls of a garden, to moralize upon the follies of other men. And when they have their hands pierced in plucking their best

fruits, when disappointments come to their plantings, we wonder that they should be so blind as to expect that this world could have joys without sorrows, or sunshine without storms. We carry instructions to them, and comfort them with the talk that this life is short and full of affliction; we speak to them of the wreaths to be worn by those who bear sorrows; and yet we go as fondly and expectantly to our dream of hope as ever. Ah! it was the cradle of your neighbor that was left empty, and not your own! That fair blossom that was picked was plucked from the next household! You turn with even more than your wonted infatuation to your own cradle, to rejoice in its security. *It* shall never be desolate!

The experience of every fresh mourner is, "I knew that Death was in the world, but I never thought that my beloved could die." Everyone that comes to the grave says, coming, "I never thought that I should bury my heart here." Though from the beginning of the world it hath been so; though the ocean itself would be overflowed if the drops of sorrow unexpected that have flowed should be gathered together and rolled into its deep places; though the life of man, without an exception, has been taken away in the midst of his expectations, and dashed with sorrow, yet no man learns the lesson taught by these facts, and every man lays out his paradise afresh, and runs the furrow of execution around about it, and marks out its alleys and beds, and plants flowers and fruits, and cultures them with a love that sees no change and expects no sorrow!

No man means to have anything in his paradise but flowers and fruits. If there is a rock in it, it is only a

rock for shadow and coolness, or a rock for decoration and beauty. No man will have a garden with a sepulcher in it. *Your* garden has no sepulcher in it. If you are young and fresh, if you are beginning life, you will hear this sermon as a poetic descant, as a tender, musing homily. In the opening out of your expectant wealth and life it is all garden-like, but no sepulcher is there! There is no open mouth of consuming bankruptcies; there are no disappointments, miscalculations, and blunders that bring you to the earth; there is no dismaying of ambition—no thwarting or turning back of all-encompassing desires. There is fresh dew on the leaf, and rain at the root, and in your mind a full expectation that your garden shall blossom as the rose.

And thus men live as they have lived, every man making his life a garden planted; every man saying, "Flowers! flowers! flowers!" and when they come, every man saying, "They shall abide; they shall blossom in an endless summer." And we go round and round the secret place, the central place—we go round and round the point where in every man's experience there is a sepulcher—and we heed it not, and will not know it.

2. But, in spite of all this care and painstaking, there *is no garden* in the world, let it be as beautiful as it may, that has not in the midst of it a sepulcher. When we sit over against it with untaught hearts, we find out what we would not permit ourselves to know in all the earlier stages, though it was there all the time. Every one of us is traveling right toward the grave. I mean not the extreme of life; I mean not that common truth that every man is born to die; I

include that; but I mean that every man has a sphere of life where there is a sepulcher in which all that makes his life valuable to him while he yet lives in this world is liable to be buried and hidden from his sight. There is no man that is sure of anything except of dying and living again. We see on every side such revelations, such changes, such surprises, such unexpected happenings and events, that it is not mere poetical moralizing to say that no man is certain of anything except death, to be succeeded by life.

A plow is coming from the far end of a long field, and a daisy stands nodding, and full of dew-dimples. That furrow is sure to strike the daisy. It casts its shadow as gayly, and exhales its gentle breath as freely, and stands as simple, and radiant, and expectant as ever; and yet that crushing furrow, which is turning and turning others in its course, is drawing near, and in a moment it whirls the heedless flower with sudden reversal under the sod!

And as is the daisy, with no power of thought, so are ten thousand thinking sentient flowers of life, blossoming in places of peril and yet thinking that no furrow of disaster is running in toward them—that no iron plow of trouble is about to overturn them. Sometimes it dimly dawns upon us, when we see other men's mischiefs and wrongs, that we are in the same category with them, and that perhaps the storms which have overtaken them will overtake us, also. But it is only for a moment, for we are artful to cover the ear and not listen to the voice that warns us of our danger.

And so, although every man's garden is planted without a sepulcher, yet every man's garden has a

sepulcher, and he stands near it, and oftentimes lays his hand upon it, and is utterly ignorant of it. But it will open. No man will ever walk through this life and reverse the experience, "Man that is born of a woman is of few days, and full of trouble." It comes to us all; not to make us sad, as we shall see by and by, but to make us sober; not to make us sorry, but to make us wise; not to make us despondent, but by its darkness to refresh us, as the night refreshes the day; not to impoverish us, but to enrich us, as the plow enriches the field—to multiply our joy, as the seed is multiplied a hundredfold by planting. Our conception of life is not divine, and our thought of garden-making is not inspired. Our earthly flowers are quickly planted, and they quickly bloom, and then they are gone; while God would plant those flowers which, by transplantation, shall live forever.

3. When, then, our sorrow comes, when we are in the uninstructed surprise of our trouble, when we first discover this sepulcher in our garden, we sit, as these women sat, over against the sepulcher, seeing, in our grief, nothing else but that. How strangely stupid is grief! How it neither learns nor knows, nor wishes to learn nor know! Grief is like the stamping of invisible ink. Great and glorious things are written with it, but they do not come out till they are brought out. It is not until heat has been applied to it, or until some chemical substance has been laid upon it, that that which was invisible begins to come forth in letter, and sentence, and meaning. In the first instance we see in life only death—we see in change destruction. When the sisters sat over against the door of the sepulcher, did they see the two thousand years that

have passed triumphing away? Did they see anything but this: "Our Christ is gone"? And yet your Christ and my Christ came from their loss; myriad, myriad mourning hearts have had resurrection in the midst of *their* grief; and yet the sorrowful watchers looked at the seed-form of this result and saw nothing. What they regarded as the end of life was the very preparation for coronation; for Christ was silent that he might live again in tenfold power. They saw it not. They looked on the rock, and it was rock. They looked upon the stone door, and it was the stone door that estopped all their hope and expectation. They mourned, and wept, and went away, and came again, drawn by their hearts, to the sepulcher. Still it was a sepulcher, unprophetic, voiceless, lusterless.

So with us. Every man sits over against the sepulcher in his garden, in the first instance, and says, "It is grief; it is woe; it is immedicable trouble. I see no benefit in it. I will take no comfort from it." And yet, right in our deepest and worst mishaps, often and often, our Christ is lying, waiting for resurrection. Where our death seems to be, there our Saviour is. Where the end of hope is, there is the brightest beginning of fruition. Where the darkness is thickest, there the bright, beaming light that never is to set is about to emerge.

When the whole experience is consummated, then we find that a garden is not disfigured by a sepulcher. Our joys are made better if there be a sorrow in the midst of them, and our sorrows are made bright by the joys that God had planted around about them. The flowers may not be pleasing to us, they may not be such as we are fond of plucking, but they are heart-

flowers. Love, hope, faith, joy, peace—these are flowers which are planted around about every grave that is sunk in a Christian heart. For the present it is not "joyous, but grievous; nevertheless, afterward it yieldeth the peaceable fruit of righteousness."

In so great a congregation as this, where there are so many thousands that by invisible threads are connected with this vital teaching-point, sorrow becomes almost literature, and grief almost a lore, and we are in danger of walking over the road of consolation so frequently that at last it becomes to us a road hard and dusty. We are accustomed to take certain phrases, as men take medicinal herbs, and apply them to bruised, and wounded, and suffering hearts, until we come to have a kind of ritualistic formality. It is good, therefore, that every one of us, now and then, should be brought back to the reality of the living truth of the Gospel by some heart-quake—by some sorrow—by some suffering. Flowers mislead us, beguile us, enervate us, and make us earthly, even if they assume the most beautiful forms of loveliness; while troubles translate us, develop us, win us from things that are too low to be worthy of us, and bring us into the presence and under the conscious power of God.

4. But it is Christ in the sepulcher that is to give us all our joy and all our hope in the midst of disappointments and reversals. Blessed are the dead that die in the Lord. Blessed are they that sleep in Jesus. Blessed are they that have heard the Bridegroom's voice, and have gone out to meet him. Blessed are they that are able to see in their troubles such a resurrection of Christ that, in the joy they experience from the realization of the rising of the Sun of Righteous-

ness upon them, they shall quite forget the troubles themselves.

When once the sisters that watched had been permitted to gaze upon the risen Christ, to clasp his hand, to worship him, where was the memory of their past trouble? What was their thought of the arrest, of the shameful trial—which was no trial—of the crucifixion, and death, and burial? These were all gone from their minds. As when the morning comes we are apt to forget the night out of which it came, so when out of trouble comes new happiness, when out of affliction comes new joy, when out of the crucifixion of the lower passions comes purification, we are apt to forget the process through which this happiness, this joy, this purification came. As there can be no sepulcher which can afford consolation that hath not a Christ ready to be revealed in it, so there can be no sorrow from which we can be well delivered that hath not in it a Christ ready to be revealed.

As, then, these Marys, in their very weakness, were stronger than when they thought themselves strong, as in the days of their sorrow they were nearer joy than when they were joyful, as when their expectations were cut off they were nearer a glorious realization than at any other period of their life, so, when we are weakest we may be strongest, when we are most cast down we may be nearest the moment of being lifted up, when we are most oppressed we are nearest deliverance, when we are most cut off we are nearest being joined forever and ever to him who is life indeed and joy indeed.

My Christian friends, we are very apt, in the regularity of teaching, to carry forward our faith of Christ

to the dying hour, and to think of a Christ that can rise upon us in that mortal strife with healing in his beams. We are not apt to have Christ with us every day in its vicissitudes and disappointments; we are not apt to take Christ into that which belongs to universal life; we are not apt to take Christ into the checks, and frets, and hindrances, and misdirections of this world, into our bereavements and misfortunes. We are apt to regard Christ as remote from us, and to put him forward to the time of our final dismission from this world.

He that knows how to die in his passions every day, he that knows how to die in his pride from hour to hour, he that has Christ in each particular thwarting and event of life, he that knows how from the varied experiences of life to bring forth day by day a Christian character, need not fear the grand and final experience of earth to which he is coming. There is no death to those that know how to die beforehand. Those who know how to lay themselves upon Christ, and take the experiences of every-day life in the faith of Christ; those who see the will of God in everything that abounds, whether wounding or healing—they have nothing left at the end of life except peace, translation, and the beginning of immortality.

It is this Saviour that has so sweetened life, if we would but know it, who is our Master; and he stands in our midst to-day, saying to us, "In this world ye shall have tribulation." I am sent to say it to everyone in this congregation. Tribulation may not come to you in the way in which you expect it, or in the way in which you see it developed in other persons. It may come unheralded. But the voice of the Lord

hath spoken to every one of you, and said, "In the world ye shall have tribulation."

More than that. It pleased God to comfort you beforehand by the assurance that affliction is the token of paternal love. Nay, God puts it so strongly that one almost shrinks: "If ye be without chastisement, whereof all are partakers, then are ye bastards, and not sons." Christ says, again and again, that if you belong to his family you shall have trouble. Is it worth your while, then, to go on making your Eden without a sepulcher? Is it worth your while to go on making your picture all lights and no shadows? Is it worth your while to go on building and rebuilding the structure of life without considering that it is a part of human necessity, and a part of God's plan of mercy, that every man should have trouble, not once, not twice, but often; as he has his food—as he has his very being itself?

This is one side of Christ's message to every one of you to-day. How many of you have I seen in your troubles! How many of you have I walked with in your hour of anguish for sin! I look upon a congregation with one in every six of whom, it seems to me, I have gone down to the baptismal water, or sprinkled, and walked with through all the stages of their heart-distress. For how many of you have I spoken words of consolation at funerals? Where are the children, where are the brothers and sisters, where are the parents, where are the kindred of this church? Where are our old friends and co-workers? Where are those that were in the height of personal expectation ten years ago? We have lived ten years together, most of us—some of us longer than that—and

have we not tracked God at every step, verifying his declaration, "Ye shall have tribulation"? And are we to look forward to the time to come with less expectation of tribulation? Look upon your household. Who shall be unclothed next? I desire to take this to myself. I desire to look at my plans and expectations in the light of this inquiry. For I, too, have made a garden, and have forgotten to put a sepulcher in it. I desire to commence a new survey. Let me go up to that central mound covered with flowers, and let me see if underneath those flowers there is not an opening mouth—the darkness of the grave. And if there is, then let me rejoice, for I am sure that that is an unwatered garden which has no sepulcher. May God grant that I shall have no garden in which there is no sepulcher with a Christ about to emerge from a fruitful death. Will you look into your gardens—your money-garden, your pleasure garden, your love-garden, your household-garden, your taste-garden? All the plants of your various gardens—will you look at them, and see if in the midst of them there is a place for a sepulcher? Will you see that there is a sepulcher in your gardens? And will you make that the center of all your plantings?

I am sent by Christ to say to you another thing. First, "In the world ye shall have tribulation; but," next, "be of good cheer; I have overcome the world," and ye shall overcome it also. "Because I live, ye shall live also." That is the end of trouble. Now sorrow is crowned with hope. Now the gate is thrown open! Now the angel sits upon the stone! Now the emergent Christ walks forth, light and glorious as the sun in the heavens! Now the lost is found! Now all

the stars hang like gems, and jewels, and treasures for us! Now, since Christ says that out of all these experiences he shall bring forth life, even as his own life was brought forth out of the tomb, what is there that we need trouble ourselves about?

Christian brethren, do you know how to be glad, and to make others glad, in the midst of your trouble? Do you know how to stand in the midst of your losses and disappointments so that men shall say, "After all, it is not troublesome to be afflicted"? Do you know how to be peaceful in the midst of deepest bereavements? Do you know how to seek Christ in the very tomb? Do you know how to employ the tomb as the astronomer employs the lens, which in the darkness reveals to him vast depths and infinite stretches of created things in the space beyond? Do you know how to look through the grave and see what there is on the other side—the glory and power of God? Blessed are they to whom Christ hath revealed the meaning of the sepulcher.

And when, after a very little time, we go away from our sorrows and our sepulchral burying-places, we shall, as did these faithful watching women, meet our Christ victorious from the grave, glorified, exalted. And whatever we lose here that is worth weeping for we shall find again. When man reaps there is something for the gleaner's hands behind him. He shakes out many kernels for the soil, and drops many heads of wheat for the gleaner. But when God reaps he loses not one kernel, and drops not one single heavy head of grain. And whatever that is good has been taken from you—every straw, and every kernel, and every head, shall be garnered. Only that will remain in

the earth which you would fain give to the earth, while that which the heart claims, and must have if it live, awaits you. Great are the joys that are before you, but they do not lie level with the earth. Great are the joys to which we are to come; we are traveling up to them.

Let us, then, to-day, renew, in the presence of our Master, our consecration to Christ, the Deliverer.* Let us accept him once more as our life. Let our life be hid in him. And when he shall appear, then we also, at last, shall be made known to each other. We shall see him as he is, and we shall be like him.

After the blessing is pronounced, we will remain, Christian brethren, a short time at this joyful hour, not to mourn over a broken Christ symbolized—for we know better—but to rejoice that the broken Saviour is now the ever-living Prince, risen and clothed with immortal victory. We meet around these memorials. We take them for a starting point. But we may go beyond them, and rest and rejoice in the bosom of ever-living love.

If there be present any that mourn for their sins, that despair of help in themselves, that feel their need of Christ, that yearn toward him, that long for him, and that are willing to accept him, them also I bid come home. This is your Father's house, and this is your Father's table. If you will be children of Christ, come and partake with us of these emblems. May God grant that every one of us who sit together in these earthly places in Christ Jesus may have the unspeakable joy, by and by, of sitting together in heavenly places.

* The Lord's Supper was administered at the close of the sermon.

# NOTES.

## CARL SCHURZ.

### POLITICAL DISABILITIES.

I. *Biographical Note.*—Carl Schurz was born at Liblar, near Cologne, Prussia, March 2, 1829. He was educated at the gymnasium of Cologne, and at the University of Bonn, which he entered in 1846. Concerned in the political troubles of 1848, and compelled to leave Bonn, he joined the revolutionary army. He took part in the defense of Rastadt, and on the surrender of that fortress fled to Switzerland. The next two years he spent in Paris and London, acting as correspondent to several German newspapers and in teaching. In 1852 he came to the United States. He resided in Philadelphia for three years, and then settled in Watertown, Wis. As a member of the Republican party, he took an active interest in the campaigns of 1856 and 1860, and delivered speeches in both English and German. When Mr. Lincoln became President, Mr. Schurz was sent as Minister to Spain, but he resigned in December, 1861, to enter the army. In 1862 he was made a brigadier general of volunteers, and the following year, a major general in the same service. In 1869 he was elected to represent the State of Missouri in the Senate, serving until 1875. While in the Senate he opposed many of the principal measures of the Grant administration. He was prominent in the "Liberal Republican" movement, and in 1872 presided over the convention which nominated Horace Greeley for President. In

1876, however, he supported the candidacy of General Hayes, and, in 1877, he entered the latter's cabinet as Secretary of the Interior, holding office until 1881. For the next three years, until 1884, he was editor of the New York *Evening Post*. Since then he has been engaged in literary work in New York City. In 1892, on the death of George William Curtis, he was made president of the National Civil Service Reform Association. A volume of Mr. Schurz's most important speeches on slavery and the Rebellion was published in 1865. Since this date his principal public addresses have been those in the Senate,—on the annexation of San Domingo, the sales of arms, the currency, and general amnesty; —his eulogy on Charles Sumner; his speeches in the campaign of 1884, when he supported Mr. Cleveland; and his addresses on civil service reform.

II. *The Structure of the Oration.*—In dealing with the orations in this volume, students are strongly recommended to make briefs or outlines which will indicate at a glance the way in which the ideas and arguments are marshaled under the different divisions. Such an outline in the case of the first oration might be as follows:

I. *Introduction.*

*A.* As reasons no longer exist for taking no part in the debate, and there being no inducement left to waive criticism, the whole question may be considered open.

II. *Narration.*

*A.* I beg to say that I am in favor of general amnesty, and that I shall heartily support an amendment to the present bill striking out the exceptions to the relief.

*B.* In discussing this question we must not forget that we have to deal not only with the past but with the present and future interests of the republic.

## III. *Partition.*

*A.* It may be assumed that those who favor a continuance of disabilities do so because of some higher object of public usefulness they have in view.

*B.* All, however, are agreed that the supreme end to be attained is to secure to all the States good and honest government and to revive in all citizens love for the Union.

*C.* But all must also agree that this end has not yet been accomplished.

1. Some of the Southern States are in a condition bordering upon anarchy.
2. The objection that civil wars are likely to produce such results is scarcely valid.
   *a.* Had the right policy been followed, the recuperative power of the country would have very materially alleviated the consequences of the war.

*D.* The question is, therefore:

1. Was the policy we followed wise?
2.* Can the continuance of the system of disabilities do any good to make up for the harm it has already wrought and is still working?
3. Is there any practical advantage to be gained from the provisions of the present bill?

## IV. *Discussion.*

*A.* The policy we followed was not wise.

1. The enfranchisement of the colored people having been gained, the problem was to secure good government for all.
   *a.* Nothing would have been more calculated to

* For the purpose of indicating the precise structure of the argument the three issues are brought together here at the end of the narration. In the speech itself, however, for excellent reasons, the issues are not so stated.

remove discontent and to reconcile men to the new order, than the wise and honest administration of public affairs.

1.′ But the measures taken were those least likely to attain good government.

*a.* When public business demanded, more than ordinarily, the co-operation of all the intelligence and political experience that could be mustered in the South, a large proportion of that intelligence and experience was excluded from public affairs by political disabilities.

*b.* The controlling power was put into the hands of negroes, who were ignorant and inexperienced and who could not have been expected to manage the business of public administration with the wisdom and skill required.

*c.* The traditional prejudices of the Southern people were affronted.

*x.* White men were asked to recognize negroes in a political status not only as high but higher than their own.

*d.* The objection that the rebels deserved all this in the way of punishment is not the question.

*x.* The question is, what was the best way to secure the rights of the colored people and restore the harmony of society?

*y.* The disabilities inflamed the prejudices which stood in the way of the acceptance of the new order of things and increased the dangers of the emancipated class.

*B.* The continuance of the system of disabilities can do no good to make up for the harm it has already wrought and is still working.

1. The disabilities protect no one in his life, his liberty, or his property.
2. We hear that the disabilities should not be removed because of the Ku Klux outrages; but this argument is not tenable.
   *a.* These outrages happened while the disabilities were in existence.
   *b.* They serve to keep this spirit alive.
3. The disabilities tended to put the damper of discouragement on any good intentions the Southern whites might have had.
4. It is said that the system of disabilities should be maintained to show disapprobation of the Rebellion; but this is absurd.
   *a.* This disapprobation has been expressed in a much more forcible way by conquering the armies of the rebels, and by sweeping the system of slavery out of existence.
5. It is also said that the law must be vindicated.
   *a.* But since no attempt has been made to punish the rebels for treason, the idea of vindicating the law by the exclusion of a certain number of persons from eligibility to office is ridiculous.
6. It is also said that rebels should not be pardoned when other criminals are punished; but this is not in point.
   *a.* History shows that political crimes have never been regarded in the same light as moral delinquencies.
      *x.* We see this from the examples of Germany and Austria.

*C.* The provisions of the present bill are unwise.

1. The exclusions are unwise.
   *a.* The exclusion of the men who left Congress to join the Rebellion is unwise.
      *x.* The exclusion of those of this class who were not original conspirators is unwise.

α. These men were in no way more responsible for the Rebellion than other prominent men in the South who do not fall under the exception.

β. Granting it wise to readmit to the management of public affairs all the intelligence and political experience the South has, we should not exclude as a class men who may be presumed to possess these qualities in a higher degree than the rest.

γ. There is no more reason for excluding these men than foreign ministers who left their posts, or judges.

y. To exclude the original conspirators is unwise.

α. The exclusion gives these men an importance which they otherwise would not possess.

b. The exclusion of officers of the Army and Navy who joined the Rebellion is unwise.

x. The argument that the turning against the Government of these men who had been educated at public expense, was an act of particular ingratitude and justifies the exclusion, is not a strong one.

α. One of these men has already been given an important public office.

β. The conduct since the war of no other class of men has been so unexceptional as that of members of the Army and Navy.

*c.* The exclusion of members of State conventions who voted for ordinances of secession is unwise.

*x.* These men were drawn into the whirl of rebellion just like the rest of the Southern people.

*y.* They are men whose co-operation would be very valuable because of their local influence.

*z.* The objection that these men are more guilty than the rest is not sound.

*α.* In many cases they are only apparently more guilty.

*β.* Amnesty is designed for those who have a certain degree of guilt—not for the innocent.

2. The requirements of the bill in respect to the taking of an oath is unwise.

*a.* History shows how little political oaths are worth in improving the morality of a people or in securing the stability of a government.

*b.* The act should be made as straightforward and simple as possible.

V. *Conclusion.*

*A.* Since political disabilities do not protect anyone in his life or rights, and since our object is to produce a conciliatory effect and to secure good and honest government for the South, and since the teaching of reason and experience is that the completest amnesty is the best, this bill should be passed and the subject dismissed from our minds forever.

*B.* The Rebellion has not gone unpunished, as some assert: the South has been subdued; thousands of her sons have been killed; slavery has been abolished. The loyal

people of the North, it is true, have also suffered, but their suffering has appeared in a blaze of glory.

*C.* The measure before us will not only benefit the rebels but the whole country, and especially the colored people.

*D.* The statesmanship of the period is not exhausted by declamation about the crime of rebellion. The American people are coming to realize that good and honest government is a much greater essential in restoring loyalty than the useless degradation of certain classes of people.

*E.* Amnesty will not obscure the past. No one wishes that. But it will tend to bind together in a common feeling the people of this country, and to remedy the evils which we now deplore.

III. *Suggestions for the further Study of Deliberative Oratory.*—Some difficulty is found in naming other examples to illustrate this division of oratory. Every student will like, of course, to turn to the works of Conkling, Blaine, and Garfield, the most prominent of the congressional speakers of this epoch; but these men were all skillful debaters, rather than great orators. Occasional speeches from less known senators and representatives are just as worthy of note.

When some modern speeches have been examined, the student will do well to turn back and compare with them the product of other epochs more celebrated than the present for deliberative orators. He should read at least one of Sumner's slavery speeches, and should be familiar with such efforts as Seward's "State of the Union"; Corwin's "On the Mexican War"; Hayne's "Reply to Webster"; Webster's "Greek Revolution"; Clay's "Emancipation of South America"; John Randolph's "Speech on Gregg's Resolution"; and Ames' "British Treaty." Then, if he has more time, he can read profitably some of the more noted of the English parliamentary orators: Fox, Sheridan, Pitt, Bright, and Gladstone.

## JEREMIAH S. BLACK.

### THE RIGHT TO TRIAL BY JURY.

I. *Biographical Note.*—Jeremiah Sullivan Black was born in Somerset County, Pa., January 10, 1810. After an education in the public schools of his home he studied law, and was admitted to the bar in 1831. Rising rapidly he was appointed, in 1842, president-judge of the Court of Common Pleas of his judicial district. Nine years later, in 1851, he became chief justice of the Supreme Court of Pennsylvania, and in 1854 was re-elected to the same office, this time for fifteen years. When Mr. Buchanan became President, Judge Black was appointed his Attorney General. Later, in December, 1860, he was made Secretary of State, succeeding General Cass. On the question of secession, he differed radically from Mr. Buchanan, believing that the Union should be preserved by force, if necessary, while Buchanan held that there was no authority to coerce a State. After he retired from the Cabinet he was for a short time reporter of the Supreme Court of the United States; but thereafter he kept out of public life and devoted himself to the practice of the law. In his later years he was connected with many important cases, among them the Vanderbilt will contest, the McCardle case, the Milliken case and the McGarrahan claim. He died at York, Pa., August 19, 1883. Some of his writings and speeches have been collected by his son: *Essays and Speeches of Jeremiah S. Black* (New York, 1885); but the record is by no means complete. The proceedings of the Supreme Court on his death will be found of interest; also the articles on his life and services as a jurist in the *Catholic World*, vol. xliii. p. 753, and in *Green Bag*, vol. ii. p. 189.

II. *Suggestions for the further Study of Forensic Oratory.*—The speeches of but few of the leading advocates of the past two or three decades have been collected in volumes. Many

such speeches, too, because they were inadequately reported have been lost forever. Of such as remain and are accessible, these may be named: J. S. Black, "United States *vs.* Blyew *et al.*"; W. M. Evarts, "Impeachment of President Johnson"; Reverdy Johnson, "Military Commissions"; M. H. Carpenter, "McCardle Case"; D. D. Field, "McCardle Case"; B. R. Curtis, "Defense of President Johnson"; D. W. Voorhees, "Trial of John E. Cook"; James T. Brady, "Case of the Savannah Privateers."

In earlier periods are, S. P. Chase's "Case of Vanzandt"; W. H. Seward's "Case of William Freeman"; Rufus Choate's "Dalton Case"; Daniel Webster's "Trial of Knapp," "Defense of the Kennistons," and "Gerard Will Case"; William Pinckney's "Case of the *Nereide*"; William Wirt's "Trial of Aaron Burr." No student of forensic eloquence can, however, afford to be ignorant of the speeches of Lord Erskine. Those for Captain Baillie, the Dean of St. Asaph, John Stockdale, and Thomas Hardy, stand as models for all time.

## WENDELL PHILLIPS.

### DANIEL O'CONNELL.

I. *Biographical Note.*—Wendell Phillips was born in Boston November 29, 1811. He attended the Boston Latin School, was graduated in 1831 from Harvard College, and after spending three years at the Harvard Law School was admitted to the bar in 1834. Handsome, with charming manners, and coming from a wealthy and influential family, he gave no promise in college of being the future reformer. But in 1835 when he saw William Lloyd Garrison, the leader of the abolition movement, dragged by a mob through the streets of Boston, he dedicated his life to the anti-slavery cause. Two years later, at a meeting held in Faneuil Hall to denounce the murderers of E. P. Lovejoy at Alton, Ill., he made the first and the most famous of his

speeches. Thereafter, the record of these speeches was the record of his life. He became the leading advocate on the platform of the doctrine of the abolitionists—the immediate and unconditional emancipation of the slaves—and spoke and lectured constantly for its promulgation. When the War had freed the slaves he lent his voice to many causes and reforms: the rights of the negroes, the protection of the Indians, prohibition, the wrongs of Ireland, the labor movement. In 1870 he accepted from the Labor Party and from the Prohibitionists the nomination for Governor of Massachusetts. He died February 2, 1884. He was the greatest orator of his time; a man of impatient and often mistaken judgment, but of great moral conviction, and unswerving in courage and in devotion to what he believed to be the right. His speeches have been collected in two volumes: *Speeches, Lectures, and Addresses* (Boston, 1891). An excellent and discriminating biographical sketch by Thomas Wentworth Higginson is to be found in the *Nation*, vol. xxxviii. p. 116. Other articles, dealing with his characteristics as an orator, are in the *Forum*, vol. viii. p. 305; the *Andover Review*, vol. i. p. 309; *Every Saturday*, vol. x. p. 378; and the *Fortnightly Review*, vol. xiv. p. 59. A melodramatic and unjudicial life of him has been written for the American Reformers series by Carlos Martyn (New York, 1890).

II. *Suggestions for the further Study of the Eulogy.*—There is no lack in our oratory of great eulogies. Phillips' "Toussaint L'Ouverture," "John Brown;" and "Abraham Lincoln"; Curtis' "Charles Sumner," "Wendell Phillips," and "Garfield"; Schurz' "Charles Sumner"; Beecher's "Sermon on Lincoln," and "U. S. Grant"; Depew's "General Sherman," and "Chester A. Arthur"; General Devens' "General Meade," and "General Grant"; Lamar's "Tribute to Sumner"; Blaine's "James A. Garfield"; and John D. Long's "Daniel Webster"— are all notable orations. In other periods we have, E. D. Baker's "Senator Broderick"; Winthrop's "Death of Everett"; Sumner's "Scholar, Jurist, Artist, and Philanthropist"; Everett's "Adams and Jefferson," "Lafayette," "John Quincy Adams," "The Character

of Washington," and "Webster"; Choate's "Webster"; John Quincy Adams' "Lafayette"; Webster's "Adams and Jefferson," and "Character of Washington"; Wirt's "Jefferson and Adams"; and Dr. Nott's "Hamilton."

## CHAUNCEY M. DEPEW.

### THE INAUGURATION OF WASHINGTON.

I. *Biographical Note.*—Chauncey Mitchell Depew was born at Peekskill, N. Y., April 23, 1834. After graduating from Yale in 1856, he studied law and was admitted to the bar in 1858. Speaking in support of Lincoln and the Republican ticket, he took part in the political campaign of 1860. One year later he was elected, and the following year re-elected, to the State Assembly. In 1863 he was chosen Secretary of State of New York, and served two years. Shortly after leaving this office he was appointed by President Johnson Minister to Japan, but after holding the commission a month he resigned to devote himself to the law. In 1866 he became counsel for the New York and Harlem Railroad Company; and in 1869, at the consolidation of this road with the New York Central, he was made attorney for the united organization. In 1872 he was a candidate on the Liberal Republican ticket for Lieutenant Governor. In 1874 he was made a regent of the State University. In 1881, in the contest to elect a successor to Mr. Platt in the United States Senate, although he had received two-thirds of the entire vote, on the assassination of President Garfield, he withdrew that the deadlock might be broken and the State represented. In 1882, at the reorganization of the New York Central, he was made Vice President of the company, and three years later he became its President. His speeches, delivered principally at public dinners and at the commemorations of important events, covering a period of thirty years, have been collected in two volumes: *Orations and After-Dinner Speeches* (New York, 1890), and *Life, and Later Speeches* (New York, 1894).

In the last of these, as the title indicates, is a brief biography. Other sketches of his life are to be found in the various cyclopedias, and in the *Chautauquan*, vol. xx. p. 694.

II. *Suggestions for the further Study of Commemorative Oratory.*—Many anniversary orations will be found in the two volumes of Mr. Depew's works. Others in this period are, Curtis' "Major General John Sedgwick," "Burgoyne's Surrender," "The Society of the Army of the Potomac," and "Centennial Celebration of Concord Fight"; Evarts' "Centennial Oration"; Winthrop's "One Hundredth Anniversary of the Surrender of Lord Cornwallis"; H. A. Brown's "Oration at Valley Forge"; Devens' "Battle of Bunker Hill"; Frederick Douglass' "Unveiling the Monument of Lincoln"; Greenhalge's "Battle of Chickamauga"; J. W. Daniel's "Unveiling the Figure of General Lee"; and Garfield's "Oration at Arlington." Earlier are Lincoln's and Everett's Gettysburg addresses; Seward's "Plymouth Oration"; Choate's "Fourth of July Oration"; Everett's "First Settlement of New England," "First Battles of the Revolutionary War," and "Battle of Bunker Hill"; Prentiss' "Address before the New England Society of New Orleans"; Webster's Bunker Hill orations, "Plymouth Oration," and "Laying of the Corner-stone of the addition to the Capitol"; and John Quincy Adams' "Oration at Plymouth."

## GEORGE WILLIAM CURTIS.

### THE LEADERSHIP OF EDUCATED MEN.

I. *Biographical Note.*—George William Curtis was born at Providence, R. I., February 24, 1824. After attending school at Jamaica Plain, Mass., he moved with his father in 1839 to New York and entered a mercantile house. Business proving distasteful, in 1842 he became a member of the Brook Farm community, at West Roxbury, Mass. After remaining there a year and a half he went to Concord, Mass., where he

divided his time between farming and the society of Emerson, Hawthorne, and other interesting people. In 1846 he went abroad. He lived first in Italy and Germany and afterward traveled in Egypt and Syria. In 1850 he returned to this country and joined the editorial staff of the New York *Tribune*. From 1852-57 he was associated with *Putnam's Monthly;* in 1853 he began his "Easy Chair" papers in *Harper's Magazine;* and in 1857 he became the leading editorial writer for *Harper's Weekly*, then just started. His connection with public affairs dates from 1856, when, in the campaign of that year, he spoke for the Republican Presidential candidates. In 1860 and 1864 he was a delegate to the Republican national conventions, and in the latter year was an unsuccessful candidate for Congress. In 1869 he declined the Republican nomination for Secretary of State of New York. He also declined in 1876, when offered by President Hayes, the position of Minister to England. In 1871 he became identified with the civil service as a member of the commission appointed to draw up rules for its regulation. Subsequently, in 1881, when the National Civil Service Reform League was founded he became its president. From 1864 he was a regent, and later was made chancellor of the University of the State of New York. He died August 31, 1892. As a lecturer and lyceum orator he was very popular. Before and during the War he spoke on the question of slavery; later his addresses were chiefly on the subject of civil service reform and on occasional and scholarly topics. His speeches, *Orations and Addresses* (New York, 1894) have been edited in three volumes by Charles Eliot Norton. His life by Edward Cary in the American Men of Letters series (Boston, 1894) is an interesting although not a final book. An address by Parke Godwin, originally delivered before the Century Association of New York and afterward printed in Mr. Godwin's *Commemorative Addresses* (New York, 1895) is the tribute of a lifelong friend.

II. *Suggestions for the further Study of Platform Oratory.*— Many platform orations, little inferior to the one given here,

will be found in the first volume of the *Addresses* of Mr. Curtis. Many will also be found in the works of Wendell Phillips. Mr. Depew has an oration on the "Political Mission of the United States," and one on the "Liberty of the Press." In the collection of Grady's speeches is one before the literary societies of the University of Virginia. Earlier orations of the more formal type are Sumner's "True Grandeur of Nations," Choate's "Eloquence of Revolutionary Periods," and "The Power of a State Developed by Mental Culture"; Everett's "Phi Beta Kappa Oration," "The Uses of Astronomy," and "Education Favorable to Liberty, Morals, and Knowledge"; Webster's "Lecture before the Mechanics' Institute"; and Story's "Phi Beta Kappa Oration."

## HENRY W. GRADY.

### THE NEW SOUTH.

I. *Biographical Note.*—Henry Woodfin Grady was born at Athens, Ga., May 24, 1850. His education consisted in a course at the University of Georgia, from which he was graduated at the age of eighteen, and in a post-graduate course of two years at the University of Virginia. On leaving college he entered journalism as a profession. He first edited the Rome *Courier*, and, for a time, the Rome *Commercial*, and then moved in 1871 to Atlanta to take the position of Georgia correspondent of the New York *Herald*. In 1871 he also bought an interest in the Atlanta *Herald*, which he ran with varying success until it was suspended in 1876. Finally, in 1880, he became associated with the paper with which his name is most identified, the Atlanta *Constitution*, and with this, as editor and part owner, he remained until his death. As an orator Mr. Grady became generally known first in 1886 from the speech printed in this volume. This was followed in 1887 by his prohibition speech at Atlanta; in 1888 by his speech at Dallas, Tex.; and in 1889 by his oration before the literary societies of the University of Virginia,

and by his two addresses in Boston. He died December 23, 1889. More perhaps than any other man, he stood for the obliteration of sectional prejudices resulting from the War. Two collections of his works have been published. The better is edited by Joel Chandler Harris: *Henry W. Grady, His Life, Writings, and Speeches* (New York, 1890); the other is the *Life and Labors of Henry W. Grady* (Atlanta, 1890). In both of these volumes some account of Mr. Grady's oratory is given. An appreciative tribute from his associate on the *Constitution*, Clark Howell, will be found in the *Chautauquan*, vol. xxi. p. 703; and there is also an article on him in the *Arena*, vol. ii. p. 9.

II. *Suggestions for the further Study of After-Dinner Oratory.*—Mr. Grady made two other after-dinner speeches of high order: those which he delivered in Boston in 1889. George William Curtis spoke often at dinners, but not many such speeches have been included in his works. In the volumes of Mr. Depew are responses to toasts of many kinds. Several thoughtful addresses have been published by Senator Lodge: *Speeches* (Boston, 1892); and other good examples are to be found in ex-Governor Long's *After-Dinner and Other Speeches* (Boston, 1895).

## HENRY WARD BEECHER.

### THE SEPULCHER IN THE GARDEN.

I. *Biographical Note.*—Henry Ward Beecher was born at Litchfield, Conn., June 24, 1813. He was graduated from Amherst College in 1834 and then studied theology at Lane Seminary, Cincinnati, O. His first church was at Lawrenceburg, Ind. Thence he went to Indianapolis, where he remained eight years. In 1847 he was called to take charge of Plymouth Church in Brooklyn, and as the pastor of this church served until his death. Early in his career he became famous as a pulpit and platform speaker. He was a leading

spirit in the abolition movement. In 1863 he went to England and delivered the five addresses, which, as examples of popular oratory and persuasion, before hostile audiences, are unequaled. For many years, although he preached regularly in his church, he was in great demand as a lecturer, and filled countless engagements over the whole country. He was one of the founders of the New York *Independent*, and later of the *Christian Union*. In 1886 he made a lecture tour in England. The following year, March 8, 1887, he died. Mr. Beecher's sermons were printed regularly after 1859, and many of them have been collected in volumes. A collection has also been made, under the title of *Patriotic Addresses* (New York, 1887), of his principal political speeches. A number of biographies of him have been written. Suggestive articles on his power as a preacher will be found in the *Contemporary Review*, vol. xix. p. 317, and in the *New Englander*, vol. xxix. p. 421; and there is an interesting account of his English experiences in 1863, in the *Century*, vol. xv. p. 240.

II. *Suggestions for the further Study of Pulpit Oratory.*—The name in recent years that deserves most to be compared with Mr. Beecher's is Phillips Brooks. The methods of the two men, were, however, very different, and Brooks' sermons (which have been collected in half a dozen volumes) lose even more than Beecher's in the reading. Other men who have gained reputations as pulpit speakers in this period, and who have printed sermons, are, R. H. Storrs, David Swing, Lyman Abbott, Morgan Dix, and T. De Witt Talmage. Further examples of pulpit eloquence, both early and modern, may be found in Fish's *Pulpit Eloquence of the Nineteenth Century* (New York, 1874).

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